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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION**

**INDIAN ADOPTION PETITION NO.38 OF 2023
WITH
JUDGE'S ORDER NO.68 OF 2023**

Vatsalya Trust

...Petitioner

**Mr. Sameer Dhaku Ghade
Mrs. Mayuri Sameer Ghade**

**...Prospective
Adoptive Parents**

Mrs. Sangeeta Nagpal, for the Petitioner.

Mr. O.Hareendran, Scrutiny Officer is present.

Mr. Dilip Gurav, Chamber Registrar is present.

CORAM : R.I. CHAGLA J

DATE : 19TH OCTOBER, 2023

ORDER :

1. By this Indian Adoption Petition filed jointly by the Petitioner and Prospective Adoptive Parents, the adoption of female minor Aaradhya ("the said female minor") has been sought.

2. The said female minor was born on 8th November, 2022.

The biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban District on 30/11/2022 and the child's custody was given to the Petitioner institution Vatsalya Trust, Mumbai on the same day. On 01/12/2022 through its order, the CWC, Mumbai Suburban District recognized that admission under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The order of Placement is on record at page 131 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the CWC, Mankhurd, Dist. Mumbai declared the minor Aaradhya "Legally Free for Adoption" on 31/01/2023. The Free for adoption Certificate is on record at pages 128-129 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, presently residing at Manjari, Pune aged about 40 years and 37 years respectively having been married for the past 11 years (25/02/2012) with no biological children.

5. The Motivation Letter of the proposed Adopters is on

record at Page 106 to the Petition.

6. The Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said female minor is on record at pages 143-148 to the Petition.

7. The Decision of Adoption Committee meeting held on 12/04/2023 is on record at page 125 to the Petition. The Committee has decided that the Prospective Adoptive Parents are suitable to adopt the said female minor.

8. The medical report of the Prospective Adoptive Parents dated 15/04/2023 states that they are medically fit for adopting the said female minor. Their HIV- I & II and HBsAg test reports certifies the case as Non Reactive. The said reports have been placed on record at Pages 35-48a to the Petition.

9. The Prospective Adoptive father is working as a President, Quantity Survey & Estimation with Eretech Projects Ltd., Hadapsar, Pune since 1st February, 2023 and his monthly (February-2023) gross salary is Rs. 1,66,667/-. His Appointment Letter, Pay slip

and Annual Tax statement are on record at Pages 52-61 to the Petition.

10. The Prospective Adoptive Mother is working as a Senior Officer-HR with Om Management Consultants, Manjari, Pune since 24/08/2022 and her monthly gross salary is Rs. 32,000/-. Her Employment Certificate and Salary Certificate are on record at Pages 62-64 to the Petition.

11. The proof of Residence, copies of PAN card and supportive financial documents are on record at pages 49-50, 26, 28 & 65-68 to the Petition.

12. The childcare arrangement plan undertaken by the Prospective Adoptive Mother's mother is on record at pages 107-108 to the Petition.

13. The Home study report Part I Self Assessment by the Prospective Adoptive Parents is on record at pages Pages 69-80 & 86-95 to the Petition.

14. The Home Study Part II: Assessment report dated 08/11/2019 by the authorities of “Children of the World (India) Trust”, Nerul, Navi Mumbai and Updated report dated 17/11/2022 by the authorities of Bharatiya Samaj Seva Kendra, Pune have found the Prospective Adoptive Parents suitable for adopting the said female minor. The said reports have been placed at pages 81-85 & 96-104 to the Petition.

15. The child security undertaking dated 30/06/2023 given by the Prospective Adoptive Father’s Cousin Sister and brother-in-law residing at Borivali, Mumbai to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at pages 110-111 to the Petition.

16. The Pre-adoption foster care undertaking dated 28/06/2023 is placed on record at pages 132-133 to the Petition.

17. The Joint Declaration of consent & willingness to adopt by the Prospective Adoptive Parents is on record and it states that they are willing to be appointed and declared as the Adoptive Parents of the said female minor. The said declaration is placed on

pages 136-137 to the Petition.

18. The Medical Examination of the said female minor states “Health status of the child: Normal child. Overall Observation of the child: Up to now her overall development is normal.” The Proposed Adopters have countersigned the said report. The said report has been placed on pages 117-123 to the Petition.

19. The HIV report of the said female minor dated 05/12/2022 certifies the case as Negative. This said report is placed on record at page 124 to the Petition. The Post Card Size Photograph of the minor is on record at page 139 to the Petition.

20. As regards the change of name, the Proposed Adopters desire that the said female minor ‘Aaradhya’ be renamed as “Noori Sameer Ghade”.

21. The undertaking dated 14/04/2023 given by the authorities of “Bharatiya Samaj Seva Kendra”, Pune for furnishing post adoption follow-up reports is placed on record at page 141 to the Petition.

22. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 05/07/2025.

23. O. Hareendran, the Scrutiny Officer has tendered his report / representation of Indian Council for Social Welfare dated 17th October, 2023 which is taken on record and marked 'X' for identification.

24. Having considered the material on record as well as the report of the Scrutiny Officer marked 'X', I am of the view that it is in the interest of the said female minor to be adopted by the Prospective Adoptive Parents.

25. It is relevant to note here that in the case of ***Nisha Pradeep Pandya @ Nisha Amit Gor and Anr. Vs. Union of India and Ors.***¹ concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, passed an interim order dated 10th January, 2023. The relevant portion of the said order of Division Bench reads as follows :

¹ W.P(L) No.32065 of 2022

“8. In the meantime, there will be an ad-interim order only until the next date in terms of prayer clauses (d), (e) and (f) of the petition which reads as follows:

(d) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to stay the effect, implementation and purport of the letter dated 30th September, 2022 issued by Respondent No.2;

(e) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to direct the Respondents not to transfer pending adoption matters before the District Magistrates for adjudication.

(f) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to direct the Hon’ble Courts to continue with the adjudication of the adoption matters that are pending on their record and file.

9. Additionally, the safer and more prudent course of action would be to allow all matters to be placed before the learned Single Judge of this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided.”

26. Thus, there is no impediment in granting the relief sought for in the Petition.

27. In the circumstances, the Indian Adoption Petition is allowed in terms of prayer Clauses (a) to (e), which read as under :

(a) For adoption of the proposed male minor baby Aaradhya @ Noori Sameer Ghade born on 08/11/2022 by proposed adopters under Juvenile Justice Act.

(b) For declaring the proposed adopters as adoptive parents of the said minor and shall have all parents rights, privileges and Responsibilities over the said minor baby Noori Sameer Ghade.

(c) That the proposed adopters be granted permission to change the Name of minor Aaradhya to Noori Sameer Ghade.

(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Noori Sameer Ghade. born on 08/11/2022 and stating thereon that the prospective adoptive parents as the Parents of the said minor.

(e) That the prospective adoptive parents may be granted leave to remove the said minor from the jurisdiction of this Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.

28. There is an undertaking of the Adoptive Parents in the Judge's Order to invest sum of Rs.1 lakh in the name of the adopted child till the adopted child attains the age of majority. The Adoptive Parents further agree to handover the investment receipts to the adopted child on her becoming a major. This

undertaking is accepted as an undertaking to this Court.

29. The Judge's Order is separately signed.
30. The Indian Adoption Petition is accordingly disposed of.
There shall be no order as to costs.
31. This order will be digitally signed by the Private Secretary / Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this Order.

[R.I. CHAGLA J.]