

Kavita S. J.

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

INDIAN ADOPTION PETITION NO. 32 of 2023
WITH
JUDGE'S ORDER NO. 57 OF 2023

1. M. Bharat
s/o G. Manohar
...Petitioners
2. B. Vijayalakshmi
w/o M. Bharat

Ms. Savita N. Malkampate, Advocate for the Petitioners.
Mr. O. Hareendran, Scrutiny Officer present.
Mr. D.S. Gurav, Chamber Registrar present.

CORAM : R.I. CHAGLA, J.

DATE : 5TH OCTOBER, 2023.

ORDER :

1. By this Indian Adoption Petition the Petitioners are seeking adoption of male minor B. Gaurav (“**the said male minor**”) born on 12th February, 2021. The biological parents had given custody of the said male minor to the Petitioners when the said male minor was about 2 months old (1st April, 2021).

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2. The biological parents are economically weak and not having sufficient means to take care of the said male minor child. They also have four biological children to look after and would not have been in a position to provide good education to the said male minor child. In view thereof, the Petitioners and biological parents jointly filed a Guardian Petition bearing No. 96 of 2021 before the Bombay City Civil Court, at Mumbai for appointing the Petitioners as legal guardians of the said male minor child. After considering the submissions, the Bombay City Civil Court allowed the said Guardian Petition on 1st July, 200 as corrected by order dated 13th June, 2023. The order dated 1st July, 2022 as corrected by order dated 13th June, 2023 is placed on record at Pages 20-25 to the Petition.

3. The Adoption Petition filed by the Petitioners is maintainable as per Judgment dated 27th October, 1999 of Justice Shri R.I. Rebello (2000 All MR Page 39) as well as judgment dated 22nd April, 2018 of Shri Justice G.S. Patel (Indian Adoption Petition No. 32 of 2018).

4. The petitioners are Indian nationals presently residing at Malad, Mumbai aged about 37 and 40 years respectively, having been married for the past 17 years (1st May, 2006) with no biological

children. The Marriage Certificate is on record at Page Nos. 26-28. The Family Photograph is on record at Page 35 to the Petition.

5. The Health Report dated 5th August, 2023 of the Petitioners states, "*Found them medically fit*". Their HIV and HBsAg test reports certifies the case as Negative. The said Report has been placed on record at Page Nos.29-30B of the Petition.

6. The Health Report dated 5th August, 2023 of the said male minor states "*He was found to be physically fit and vaccination record is up to date. There is no history of any medical or surgical illness and he is currently not on any chronic medication*". The HIV test report of the minor dated 5th August, 2023 certifies the case as Negative. These reports are at Page Nos.31-34 to the Petition.

7. The First Petitioner is self-employed (Independent business in Chennai under the name "Jugai Silver Works"). His Income for the Assessment Year 2022-23 is Rs.4,76,160/-. His Income Tax Returns for the Assessment year 2020-21, 2021-22 and 2022-23 have been placed on record at Page Nos. 36-52 of the Petition. The second Petitioner is a Homemaker.

8. The supportive financial document, Proof of residence

(Agreement of Leave & License) and PAN Card copies are placed on record at page Nos. 53 & 60-81 to the Petition.

9. The Home Study Report dated 29th July, 2023 of the Petitioners by the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDM is on record and it states that the family comes from humble backgrounds and they are mentally and physically fit and financially well settled. They have good moral values and share a loving relationship with one another. After overall assessment, the Social Worker found the Petitioners as suitable adoptive parents for the said male minor child. The said report has been placed on record having Page Nos. 54-56 to the Petition.

10. The follow up Report of the said male minor child dated 29th July, 2023 states “Gaurav is an active and cheerful child. He has adjusted to his new state of affairs of staying with his adopted parents. He has weight appropriate for his age. He seems to have adjusted to his overall environment”. The said Report is at Page Nos. 57-58 to the Petition.

11. The child security undertaking dated 7th August, 2023 given by the Prospective Adoptive father’s Sister and brother-in-law

residing at Malad, Mumbai to look after the said male minor child in case of any mishap to the Petitioners is on record at Page Nos. 84-86 to the Petition. The Reference/recommendation letters from the close friends are on record at Page Nos. 82-83 to the Petition.

12. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor 'Sultan @ B. Gaurav' be renamed as "B. Gaurav".

13. Based on the Guardian Petition No.96 of 2021 granted on 1st July, 2022 by the Bombay City Civil Court in favour of the Petitioners and the Home Visit Report/Progress Report of the professional Social Worker that the male minor child is well integrated into the adoptive family, it is observed that the said male minor child B. Gaurav is well integrated into the adoptive family.

14. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 25th September, 2023 which is taken on record and marked 'X' for identification.

15. Having considered the material on record as well as the Report of the Scrutiny Officer dated 25th September, 2023 marked 'X',

in my view, it will be in the interest of the said male minor child, if he is adopted by the Proposed Adoptive Parents.

16. In these circumstances, the Petition is allowed in terms of prayer clauses (a), (b) and (c) of the Petition, which read thus:-

(a) That this Hon'ble Court may be pleased to declare the Petitioners as Adoptive Parents or mother and father of the said male minor "B. GAURAV", now under the guardianship custody with the Petitioners Mr. M. Bharat s/o G. Manohar and Mrs. B. Vijayalakshmi w/o M. Bharat.

(b) That the Petitioners be allowed to change the name of Said male minor child from SULTAN alias B. GAURAV to "B. GAURAV" born on 12th February, 2021.

(c) That the Petitioners be granted leave to apply to the Municipal Authority and this Hon'ble Court be pleased to direct the concerned Municipal Authority/Birth Certificate issuing Authority to issue a Birth Certificate in the name of B. GAURAV, born on 12th February, 2021 and showing the Petitioners Mr. M. Bharat s/o G. Manohar and Mrs. B. Vijayualakshmi w/o M. Bharat as his father and mother respectively.

17. The learned Counsel appearing for the Petitioners / Adoptive Parents undertakes to invest a sum of Rs.1,00,000/- (Rupees One Lakh only) in the name of the Adopted child in any Nationalized Bank. They also undertake not to withdraw this investment till the Adopted Child attains majority. They agree to handover the investment receipt to the Adopted Child on his becoming a major. The undertaking also forming part of the Judge's Order is accepted as an undertaking to this Court.

18. The Judge's Order is accepted and signed separately.

19. The present Indian Adoption Petition is accordingly disposed of.

20. There shall be no orders as to costs.

[R.I. CHAGLA, J.]