

St. Catherine's Home and	...	Petitioner
1. Jignesh Navinchandra Shah		
2. Sneha Jignesh Shah	...	Prospective Adoptive Parents

Mr. Rakesh K. L. Kapoor for Petitioner.
Ms. Vandana M. Chincholkar, Scrutiny Officer, Indian Council of Social Welfare.
Ms. Shonali Dighe, Commissioner for taking Accounts.

CORAM : MANISH PITALE, J.
DATE : FEBRUARY 23, 2023

P.C. :

. The petitioner, which is a registered Social Welfare Organization recognized as a specialized adoption agency has approached this Court by filing the present petition under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015 along with the prospective adoptive parents for adoption of the minor male child 'Rajhans', now known as 'Veer'. The child was born on 11.01.2022 and admitted to the petitioner institution on 13.01.2022 as per the order passed by the Child Welfare Committee (CWC), Mumbai Suburban-II. Subsequently, the biological mother executed a deed of surrender on 17.01.2022. On 18.04.2022, the CWC declared the minor child legally free for adoption under Section 38 of the said Act.

2. Heard Mr. Kapoor, learned counsel for the petitioner in the presence of Ms. Vandana Chincholkar, Scrutiny Officer of the Indian

Council of Social Welfare (ICSW). Ms. Chincholkar has tendered report of the Council dated 09.08.2022, supporting the prayers made in the present petition. The same is taken on record and marked 'X'.

3. The prospective adoptive parents are residents of Neral, District Raigad, Maharashtra and they are registered under the Child Adoption Resources and Information and Guidance System. They were advised by the Central Adoption Resource Authority (CARA) to apply to the petitioner for adoption of the minor child. The prospective adoptive parents were married on 24.04.2014 and they do not have any biological child. They have consented to the adoption and shown their willingness as per the requirements of the said Act and appropriate consent / undertakings are placed on record. Copies of the relevant documents pertaining to the prospective adoptive parents, including their marriage proof, medical certificates etc. are also placed on record.

4. It is further stated that the prospective adoptive father is a self-employed person in the business of retail sale of ladies and kids wear. His annual income as per the documents placed on record, including copy of the income tax returns for the assessment year 2021-22, is Rs.4,62,200/-.

5. The self-assessment report of the prospective adoptive parents and a home visit report / assessment report of the social worker from Janani Ashish Charitable Trust, Dombivli, Thane are also placed on record.

6. The report submitted by the Indian Council of Social Welfare supports the assertions made in the petition. The prospective adoptive parents undertake to invest a sum of Rs.1 Lakh in LIC's Single Premium Endowment Policy, in the name of the minor child. They will not withdraw the said invested amount till the minor child attains the age of majority.

7. It is significant to note that a recent order passed by the Division Bench of this Court in the case of *Nisha Pradeep Pandya alias Nisha Amit Gor and anr. Vs. Union of India and ors.* in **Writ Petition No.32065/2022** on **10.01.2023**, has specifically granted a direction as an ad-interim order that pending the challenge to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the petitions already filed and pending can be placed before the concerned Court and that adjudication of such matters can continue during the pendency of challenge raised against the Amendment Act. The relevant portion of said order of the Division Bench reads as follows :

“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.”

8. Having heard learned counsel for the petitioner and having perused the statements made in the adoption petition supported by the documents on record, this Court is satisfied that the present petition can be allowed. Accordingly, the petition is allowed in terms of prayer clauses (a) to (d) which read as follows:

“(a) That the Prospective Adoptive Parents be given the said child Veer Jignesh Shah in adoption and be declared as parents having all parental legal rights, privileges and

responsibilities over the said minor.

(b) That the prospective adoptive parents may be granted leave to remove the said minor Veer Jignesh Shah 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.

(c) That the concerned Municipal Authority / Birth Certificate Issuing Authority may be directed to issue Birth Certificate in the name of the said minor Veer Jignesh Shah, born on 11/01/2022 and stating thereon that the prospective adoptive parents are the parents of the said minor.

(d) That the prospective adoptive parents be allowed to change the name of the minor from Rajhans to 'Veer Jignesh Shah', born on 11/01/2022."

9. The Judge's order is separately signed.

(MANISH PITALE, J.)

Minal Parab