

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INDIAN ADOPTION PETITION NO.41 OF 2022
WITH
JUDGE'S ORDER NO.84 OF 2022
IN
INDIAN ADOPTION PETITION NO.41 OF 2022

Vatsalya Trust ... Petitioner
and
1. Ritesh Kumar Vora
2. Asha Ritesh Vora ... Prospective Adoptive
Parents

Ms. Aarti P. Kulkarni 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. :

. Heard Ms. Kulkarni, learned counsel for the petitioner in the presence of Ms. Vandana Chincholkar, Scrutiny Officer, representing the Indian Council of Social Welfare (ICSW). Ms. Chincholkar has tendered report of the Council dated 25.08.2022, favourably recommending the prayers made in the present petition. The same is taken on record and marked 'X'.

2. 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 'Rutvik', now known as 'Ritvik'. The child was born on 06.11.2021 and admitted to the petitioner institution on 08.11.2021 as per the order passed by the

Child Welfare Committee (CWC), Mumbai Suburban-II. The biological mother executed a deed of surrender dated 07.11.2021 before the CWC and on 24.01.2022, the CWC declared the minor child legally free for adoption under Section 38 of the said Act.

3. The prospective adoptive parents are residents of Jabalpur, Madhya Pradesh and they are registered under the Child Adoption Resources and Information and Guidance System. The adoption committee of the petitioner institution has found them to be fit and suitable for adopting the said minor child. The prospective adoptive parents were married on 20.02.2007 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 Tax Practitioner with annual income of Rs.4,97,010/- and the prospective adoptive mother is a Chartered Accountant with annual income of Rs.4,72,710/-. Documents in support of such statements, including income tax returns are placed on record.

5. The self-assessment report of the prospective adoptive parents and a home visit report / assessment report of the social worker from an organization in Jabalpur 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 in adoption and be declared as parents and have 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 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 Ritvik, born on 06/11/2021 and stating thereon that the prospective adoptive parents as the parents of the said minor.

(d) That the prospective adoptive parents be allowed to change the name of the minor from Rutvik to ‘Ritvik’, born on 06/11/2021.”

9. The Judge’s order is separately signed.

(MANISH PITALE, J.)

Minal Parab