

petitioner and Mr. O. Hareendran, Scrutiny Officer of the Indian Council of Social Welfare. He has tendered report of the council in the context of the present petition. The same is taken on record and marked 'X'.

3. It is stated in the petition that the minor child was born on 12/3/2022 and she is in the custody of the petitioners herein. It is stated that the child is a surrendered child and produced before the Child Welfare Committee (CWC) on 14/3/2022. The CWC has declared the minor legally free for adoption on 18/5/2022. The minor is thus a Court Committed Child under the relevant provisions of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021. It is stated that the prospective adopters have been taking care of the child and the child is with them for about 11 months. It is also brought to the notice of this Court that the prospective adopters have executed an affidavit and declaration about their intention to adopt the child and to take her care.

4. It is stated in the petition that the prospective adopters were married on 9/7/2008 and that they do not have any biological children from the marriage. The copies of joint declaration of consent and that of willingness of the adoptive parents are placed on record. It is stated that the prospective adoptive father is working at Accenture and his monthly (March-2022) gross salary is

Rs.1,23,856/-. The prospective adoptive mother was working earlier at Credible Market and now she is a home maker. The copies of the Bank account statements of the prospective adopters are placed on record alongwith copies of their Income Tax reports to support the assertions that they are financially capable of taking care of the child.

5. The home study report carried out by Social Worker Ms. Shraddha Kopardekar is placed on record which positively recommends the prospective adopters to adopt the minor child.

6. A copy of undertaking given by the relatives of the prospective adopters is placed on record to indicate that if any unforeseen event happens in the context of the prospective adopters, they would take care of the adopted child.

7. The report submitted by the Indian Council of Social Welfare supports the assertions made in the petition. The prospective adopters undertake to invest sum of Rs.2 Lakhs in LIC's Single Premium Endowment Policy, in the name of the minor child. They will not withdraw the said invested amount till she attains the age of majority.

8. 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 10/1/2023 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 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.”

9. In view of the above, this Court is satisfied that the prayers made in the present petition can be allowed. Accordingly, the petition stands allowed in terms of prayer clauses (a) to (e) which read as follows :

- (a) This Hon'ble Court may be pleased to appoint the Co-Petitioners, Mr. Amol Madhukar Bandishte and Mrs. Anuradha Amol Bandishte, as the adoptive parents of the female minor, Prachi, now Nupur Amol Bandishte, in the care of the Maharashtra State Women's Council Adoption Group, Asha Sadan, Asha Sadan Marg, Umerkhadi, Mumbai -400009;*
- b) That the Co-Petitioners be allowed to change the name of the minor 'Prachi to Nupur Amol Bandishte'.*
- c) That the Co-Petitioners may be granted leave to remove the aforesaid child from the Jurisdiction of this Hon'ble Court and to take the minor along with them, i.e. to the Co-Petitioner's family wherever they may reside or their work may require them to;*
- d) That the Co-Petitioners, Mr. Amol Madhukar Bandishte and Mrs. Anuradha Amol Bandishte, may be granted leave to make an application to the passport authorities or any other authorities for the same;*
- e) That the concerned Municipal Corporations / the Birth Certificate Issuing Authority may be directed to issue*

Birth Certificate for the said minor within five working days from the date of application of the Petitioners, as per the provisions of regulation 35 of the Adoption Regulations, 2017;

10. The Judge's order is separately signed.

(MANISH PITALE, J)