

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INDIAN ADOPTION PETITION NO. 5 OF 2023
WITH
JUDGE'S ORDER NO. 8 OF 2023
IN
INDIAN ADOPTION PETITION NO. 5 OF 2023**

Shraddhanand Mahilashram

...Petitioner

and

1) Pranav Dhir

2) Minotii Aurora

...Prospective adoptive
Parents

Mr. Rakesh Kapoor i/by. Rakesh L. Kapoor & Co. for petitioners.

Ms. Vandana Chincholkar, Scrutiny Officer, Indian Council of Social
Welfare.

Ms. Shonali Dighe, Chamber Registrar.

CORAM : MANISH PITALE, J

DATE : 9th MARCH, 2023

P.C. :

. The petitioner – Trust is a registered Social Welfare Organization duly recognized as a Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The present petition has been filed by the petitioner – Trust alongwith prospective adoptive parents for adopting the minor male child Kartik, a Court Committed Child, who was born on 31/7/2021.

3. The prospective adoptive parents are residents of Pune, Maharashtra and they are registered under the Child Adoption Resource Information and Guardian System. They were directed to apply to the petitioner – Trust for adoption of the minor child. The adoption committee of the petitioner - Trust found them eligible and suitable as per criteria mentioned under Section 57 of the said Act read with Regulation 5 of the Adoption Regulations.

4. The minor male child was admitted to the petitioner institution on 3/8/2021 and by order dated 18/10/2021, the Child Welfare Committee, Mumbai – I, declared the minor child legally free for adoption under Section 38 of the aforesaid Act.

5. The minor child has been with the prospective adoptive parents for the last more than one year. The prospective adoptive parents were married on 14/2/2013 and they do not have any biological children. They have jointly consented and executed a joint consent document, as required under the provisions of the said Act for adoption of the minor child. The prospective adoptive father is a self-employed, having real estate business at Pune and his income for

the assessment year 2021-22 was Rs.1,14,640/-. He is also receiving income of Rs.2,06,000/- per month from rental charges as per certificate issued by the Chartered Accountant. The prospective adoptive mother is a self-employed and stated to be Managing Director of Genesis Inc. and her income for the assessment year 2020-21 was Rs.24,59,080/-. The relevant documents in support of the said statements are placed on record including a certificate issued by the Chartered Accountant as also income tax returns etc.

6. The home study report of the prospective adoptive parents conducted by a social worker is also placed on record, which favourably recommends the case of the petitioner for adoption of the minor child.

7. Mr. Kapoor, learned counsel appearing for the petitioner, has relied upon said material to contend that the present petition deserves to be allowed. Ms.Vandana Chincholkar, Scrutiny Officer of Indian Council of Social Welfare has tendered report. The same is taken on record and marked 'X'. The said report also favorably recommends the case of the prospective adoptive parents.

8. Having perused the material on record, this Court is satisfied that the present petition can be allowed in terms of prayers made therein.

9. The report submitted by the Indian Council of Social Welfare supports the assertions made in the petition. The prospective adoptive parents 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.

10. 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."

11. In view of the above, 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 Vibha Vinod Vaje 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 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 Vibha Vinod Vaje born on 01/10/2019 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 SITARA to "Vibha Vinod Vaje " born on 01/10/2019.

12. Judge's order is signed separately.

(MANISH PITALE, J)