

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

INDIAN ADOPTION PETITION NO. 8 OF 2023
WITH
JUDGE'S ORDER NO. 4 OF 2023
IN
INDIAN ADOPTION PETITION NO. 8 OF 2023

Shraddhanand Mahilashram
and

...Petitioner

1) Vinod Ramesh Gosavi

2) Sunita Vinod Gosavi

...Prospective adoptive
Parents

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

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social
Welfare.

CORAM : MANISH PITALE, J

DATE : 20th APRIL, 2023

P.C. :

. The petitioner – Trust is a registered Social Welfare Organization duly recognized by the Government as a Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015. This petition is filed alongwith prospective adoptive parents in the context of adoption of a minor

girl child “Bhumika”.

2. Heard Mr. Kapoor, learned counsel for the petitioner in the presence of Mr. O. Hareendran, Scrutiny Officer of the Indian Council of Social Welfare (ICSW).

3. The minor child was born on 29/8/2021 and on 8/9/2021, the biological mother surrendered the child before the Child Welfare Committee (CWC), Mumbai City – I and on the same day, the child was given to the petitioner institution under the provisions of the said Act. On 24/11/2021, the CWC declared the child legally free for adoption under Section 38 of the said Act.

4. The prospective adoptive parents are registered under the Child Adoption Resource Information and Guidance System with the Central Adoption Resource Authority (CARA). The prospective adoptive parents have the custody of the minor child and they have submitted necessary affidavits in that regard, as per the provisions of the said Act.

5. The prospective adoptive parents were married on 14/5/2007 and they do not have any biological children. They reside at Nashik and they have jointly consented to the present adoption, showing their willingness to adopt the child under the provisions of the said Act. The prospective adoptive father is self employed, being

proprietor of a computer institute since 2015 and his income for the assessment year 2021-22 was Rs.3,89,660/-. The prospective adoptive mother is also self employed, running her coaching classes for the last three years and her income for the assessment year 2020-2021 is stated to be Rs.3,71,540/-. The necessary documents in support of the aforesaid statement including certificate issued by the Chartered Accountant, income tax returns etc. have been placed on record.

6. The self assessment report of the prospective adoptive parents as also home visit report by the Social Worker of Adharashram are also placed on record, which positively recommend the prospective adoptive parents for adoption of the said minor girl child.

7. Mr. Kapoor, the learned counsel for the petitioner has invited attention of this Court to submissions in the petition alongwith documents placed on record to submit that the present petition may be allowed in the interest of justice.

8. Mr. Hareendran, Scrutiny Officer has tendered report of the Council. The same is taken on record and marked 'X'. The report positively recommends the case of the prospective adoptive parents to adopt the minor girl child after referring to the relevant documents placed before the Council.

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 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 she attains the age of majority.

10. It is relevant to note here that in the case of *Nisha Pradeep Pandya alias Nisha Amit Gor and Anr. Vs. Union of India and Ors. in Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)*, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the Division Bench of this Court on 10/1/2023 passed an interim order. 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. Additionally, the safer and more prudent course of action would be to allow all matters to be placed before the learned Single Judge of this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided.”

11. Hence, it is clear that this Court can consider and dispose of the present petition.

12. 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 Tapasya Sunita Vinod Gosavi 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 Tapasya Sunita Vinod Gosavi born on 29/8/2021 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 BHUMIKA to 'Tapasya Sunita Vinod Gosavi' born on 29/8/2021.

13. Judge's order is signed separately.

(MANISH PITALE, J)