

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

**INDIAN ADOPTION PETITION NO. 4 OF 2023
WITH
JUDGE'S ORDER NO. 5 OF 2023
IN
INDIAN ADOPTION PETITION NO. 4 OF 2023**

Shraddhanand Mahilashram

...Petitioner

and

1) Vinod Sitaram Vaje

2) Pratibha Vinod Vaje

...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. The present petition is moved by the petitioner – Trust alongwith prospective adoptive parents, for adoption of

minor girl child Sitara, who is a Court Committed Child born on 1/10/2019.

2. The prospective adoptive parents are residents of Kandivali, Mumbai. They are registered in the Child Adoption Resource Information and Guidance System and they were directed to apply to the petitioner – Trust for adoption of the minor child. The adoption committee of the petitioner institution found the prospective adoptive parents as eligible and suitable for adopting the minor girl child under Section 57 of the said Act read with Regulation 5 of the Adoption Regulations. The minor girl child was said to have born on 1/10/2019 and was found abandoned on 6/10/2019. The Child Welfare Committee, Mumbai-I, passed an order dated 9/10/2019 admitting the child under the provisions of the said Act with the petitioner – Trust. On 17/1/2022, the CWC exercised power under Section 38 of the said Act, declaring the minor girl child legally free for adoption.

3. The prospective adoptive parents have been taking care of the minor girl child for about one year.

4. They were married on 28/5/2010 and they do not have any biological children. They have jointly consented for adoption of the minor and they have executed joint consent as per requirement of the said Act.

5. The prospective adoptive father is working as an Assistant Manager with Grauer and Weil (India) Ltd. and his monthly gross salary is Rs.81,211/-. The prospective adoptive mother is a home maker. The necessary documents supporting the statement made regarding the income of the prospective adoptive father are placed on record. The home visit report prepared by a social worker is also placed on record, which also recommends the prospective adoptive parents as suitable for adopting the minor girl child.

6. Mr. Kapoor, learned counsel appearing for the petitioner has relied upon the aforesaid material to contend that the petition deserves to be allowed. The report of the Scrutiny Officer of the Indian Council of Social Welfare is taken on record and marked 'X'. The said report also favourably recommends the case of the petitioner for adopting the child.

7. 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.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.

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, 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.

10. Judge's order is signed separately.

(MANISH PITALE, J)