

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

**INDIAN ADOPTION PETITION NO. 7 OF 2023
WITH
JUDGE'S ORDER NO. 6 OF 2023
IN
INDIAN ADOPTION PETITION NO. 7 OF 2023**

Shraddhanand Mahilashram

...Petitioner

and

1) Sanjay Gangaram Brid

2) Sanjana Sanjay Brid

...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 adoptive parents for adoption of the minor girl child Vibhuti @

Meera Sanjay Brid.

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 20/9/2021 and admitted to the petitioner institution on 25/9/2021. The Child Welfare Committee (CWC), Mumbai City – I, formally admitted the child by order dated 10/5/2021 under the provisions of the said Act and the biological mother of the child executed a Deed of Surrender before the CWC on 6/10/2021 for rehabilitation of the child. The CWC by exercising power under Section 38 of the said Act, on 17/12/2021, declared the minor child legally free for adoption. The documents regarding the same are placed on record.

4. The prospective adoptive parents are married for the last about 21 years and they do not have any biological children. Since they desired to adopt the child, they had undertaken necessary steps in the matter, including allowing a Social Worker to visit their home. This was in the context of minor child being in the custody of prospective adoptive parents. They have jointly consented to the adoption by showing their willingness to take the minor child in adoption under the provisions of the said Act.

5. The self assessment report of the prospective adoptive parents as also home visit report by the Social Worker of Vatsalya Trust, Kanjurmarg, Mumbai is placed on record. The said report positively recommends the prospective adoptive parents for adoption of the said minor child.

6. The prospective adoptive father is working as Sales Executive with Shree Ganesh Enterprises, Bhandup, Mumbai since 2019 and his total income for the assessment year 2021-2022 is stated to be Rs.4,79,510/-. The copies of the relevant documents, including income tax returns, salary slips etc. have been placed on record to support the aforesaid statement. This Court is satisfied with the said documents placed on record. The prospective adoptive mother is a home maker.

7. The medical reports of the minor child are also placed on record. Mr. Hareendran, Scrutiny Officer has handed over report on behalf of ICSW in respect of the present case. The report is taken on record and marked 'X'. In the report, reference has been made to the relevant documents, including medical documents pertaining to the minor child and the prospective adoptive parents. The report positively recommends the prospective adoptive parents for adopting the said minor girl child. On the basis of the aforesaid material brought to the notice of this Court, this Court is satisfied that the

requirements of law are complied with in the present case.

8. 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.

9. 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.”

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

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 Meera Sanjay Brid 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 Meera Sanjay Brid born on 20/9/2021 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 Vibhuti to 'Meera Sanjay Brid' born on 20/9/2021.

12. Judge's order is signed separately.

(MANISH PITALE, J)