

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

FOREIGN ADOPTION PETITION NO. 26 OF 2022
WITH
JUDGE'S ORDER NO. 94 OF 2022
IN
FOREIGN ADOPTION PETITION NO. 26 OF 2022

Maharashtra State Women's Council

Adoption Group

...Petitioner

And

1. Riccardo Venturini &

2. Valentina Salzani

...Proposed Adopters

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Ms. Dipal Mehta, for the Petitioner.

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

Ms. Shonali Dighe, Chamber Registrar.

CORAM : MANISH PITALE, J

DATE : 2nd FEBRUARY, 2023

P.C. :

. The petitioner - Maharashtra State Women's Council Adoption Group, is a registered specialized adoption agency recognized by the Government of Maharashtra under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The present petition is filed by the petitioner alongwith the proposed adoptive parents for adoption of minor child Arpit. The said child is a Court committed child, born on 10/10/2021 and presently in the care and custody of the petitioner. On 31/1/2022, the said minor child was declared legally free for adoption under Section 38 of the said Act. The minor child is a child of special needs, about which the prospective adoptive parents are fully aware.

2. The prospective adoptive parents are residents of Italy and registered with the Child Adoption Resource Information and Guidance System, by the authorised foreign adoption agency “Associazione Mehala” (hereinafter referred to as Mehala).

3. The prospective adoptive parents were found eligible by Central Adoption Resource Authority (CARA) to apply to the petitioner for adoption of the child. Home study was carried out by the said Mehala and it found the prospective adoptive parents eligible and suitable to adopt the minor child as per criteria specified under Section 57 of the aforesaid Act.

4. The prospective adoptive parents were married on 1/8/2015 and they do not have any biological or adopted child. They had applied through the sponsoring agency i.e. Mehala to adopt an Indian child. The documents pertaining to the prospective adoptive parents, including their birth certificates, marriage certificates,

passports etc. have been placed on record. The home study report including psychological evaluation assessment of the prospective adoptive parents is on record, which is favourable.

5. The material on record shows that the prospective adoptive father is employed as a Senior Developer of Software with an organization in Italy and the prospective adoptive mother is employed as an Outreach Worker and their joint annual income for the year 2021 is Euros 54415. Supporting documents are also placed on record.

6. The learned counsel for the petitioner was heard in the backdrop of material brought to the notice of this Court. Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare, has tendered report. The same is taken on record and marked 'X'. The said report also favourably recommends the case of the prospective adoptive parents for adoption of the minor child.

7. This Court is satisfied that all the necessary parameters for granting the prayers in the present petition are sufficiently fulfilled and necessary material is placed on record.

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 the 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 (f) which read as follows :

(a) This Hon'ble Court may be pleased to appoint the proposed adoptive parents as the parents of the male minor, 'Arpit' now in the care of the Maharashtra State Women's Council Adoption Group, Asha Sadan Balgruh, Asha Sadan Marg, Umerkhedi, Mumbai – 400 009.

(b) That the proposed adoptive parents be allowed to change the name of the minor, from 'Arpit' to 'Arpit Venturini'.

(c) That the proposed adoptive parents may be granted leave to remove the aforesaid child, Arpit @ Arpit Venturini from the jurisdiction of this Hon'ble Court and to take the minor out of India alongwith them, to their home i.e. wherever they may require him to,

(d) That the petitioner be granted leave to apply to the concerned Municipal Authorities to issue a Birth Certificate of male minor 'Arpit Venturini', showing the names of the proposed adoptive parents as his parents.

(e) That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor 'Arpit Venturini', within five

working days from the date of application of the petitioner, as per the provisions of sub-regulation 15 of the Adoption Regulations 18 and regulation 36.

(f) The concerned Regional Passport Office may be directed to issue passport for the said 'Arpit Venturini', within ten days from the date of application, as per sub-regulation (4) of regulation 18 and regulation 38.

10. The Judge's order is separately signed.

(MANISH PITALE, J)