

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 44 OF 2023
WITH
JUDGE'S ORDER NO. 75 of 2023

Sumukh Vinayak Rajadhyax & Anr.

...Petitioners

And

Daksh Sumukh Rajadhyax

...Adoptive Child

Mr. Rakesh Kapoor i/by M/s. R.K.L. Kapoor & Co. for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare.
Mr. D.S. Gurav, Chamber Registrar present.
Mr. Sumukh Vinayak Rajadhyax, Adopters present.
Mrs. Geeta Sumukh Rajadhyax, Adopters present.
Daksh Sumukh Rajadhyax, Adoptee present.

CORAM : R.I. CHAGLA J

DATE : 26 October 2023

ORDER :

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KHOT

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1. By this Indian Adoption Petition filed by the Petitioners, adoption of male minor Daksh (“**the said Adoptee**”) born on 28th June 2005 is sought.

2. The said Adoptee is the biological son of the Petitioner No. 2 Mrs. Geeta Sumukh Rajadhyax. The said Adoptee was born from her first marriage. She was first married to Mr. Shibh Singh Saun (biological father of Daksh) on 7th June 2004 and the said marriage was dissolved by the Family Court No. 2, Mumbai on 7th June 2019 under Section 13(1)(vii) of the Hindu Marriage Act, 1955. After her divorce (ex-parte) in the year 2019, the said Adoptee's custody was given to the Petitioner No. 2 herein. The Divorce Decree dated 7th June 2019 is on record at page Nos. 36-42 to the Petition.

3. The Petitioner No. 2 has thereafter married Petitioner No.1 on 18th August 2019 and since then the said Adoptee is in the care and custody of the Petitioners. The Petitioners jointly filed a guardianship Petition vide Indian Guardianship Petition No. 1 of 2022 in this Court with the consent of the birth mother i.e. the Petitioner No. 2 herein. The said Guardianship Petition was allowed by this Court vide its order dated 22nd December 2022. The Guardianship Order dated 22nd December 2022 is on record at page Nos. 17-21 to the Petition.

4. This Adoption Petition is filed by the Petitioners as per

the provisions of the Judgment dated 27th October 1999 of this Court reported in 2000 All MR Pg.39 and the subsequent Judgment of this Court dated 22nd April 2018 in Indian Adoption Petition No. 32 of 2018.

5. The Petitioners are Indian Nationals, residing at Dadar. Mumbai aged about 44 and 38 years respectively, having been married for the past 4 years (18th August 2019) with no biological children. The 1st Petitioner was married earlier on 17th December 2008 and divorced on 3rd March 2018. He had no issues from this marriage. His Divorce Decree is on record at page Nos. 24-35 to the Petition.

6. The Medical Certificates dated 24th July 2023 of the Petitioners states that they are physically and mentally fit. The said Medical Certificates have been placed on record at page Nos. 43-46 to the Petition.

7. The 1st Petitioner is self-employed (owns Firm “Rajadhyax Architectural Interiors and Designs” at Wadala, Mumbai) and his income for the Assessment Year 2022-23 is Rs. 5,79,910/-.

The Income Certificate from the Chartered Accountants and Income Tax Returns for the Assessment Years 2021-22 and 2022-23 are on record at page Nos. 51-62 to the Petition. The 2nd Petitioner is a Homemaker.

8. The Petitioners' proof of residence, PAN Card copies and Supportive financial documents have been placed on record at Pg. Nos. 47-49 and 63-71 to the Petition.

9. As per this Court's direction dated 22nd December 2022, the Petitioners/Adoptive Parents have invested a sum of Rs.2,00,000/- in the name of said Adoptee Daksh with Indian Bank – Term Deposit for a period of 555 days. The Deposit Receipt dated 4th January 2023 is on record at page No. 72 to the Petition.

10. The Home Study Report dated 19th August 2023 of the Petitioners by the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDM is on record shows that the Petitioners are suitable Adoptive Parents for the said Adoptee. This report is at page Nos. 73-75 to the Petition.

11. The follow up Report of the said Adoptee Daksh dated 18th August 2023 states, “Daksh is healthy and normal. He is very close to the parents and attached to all his family members. He is enrolled ICE-Hotel Management (Food and Beverages Section) in Nerul, Navi Mumbai. He has grown into a fine young adult who is responsible and understands the transit and change that has taken place in his life. He seems to have adjusted to his overall environment”. The Report has been placed on record at page Nos. 76-77 to the Petition.

12. The Medical Certificate dated 24th July 2023 of the said Adoptee states that he is physically and mentally fit. His Latest Photograph, Medical Certificate, Consent letter and new Name Declaration are on record at page Nos. 78-80 to the Petition.

13. The Recommendation letters in support of adoption of the said Adoptee from close relatives and family friends are on record at page Nos.81-86 to the Petition.

14. As regards the change of name, the Prospective Adoptive Parents desire that the said Adoptee ‘Daksh’ be renamed as

“Daksh Sumukh Rajadhyax”.

15. The recommendation based on the order passed by this Court on 22nd December 2022 in Indian Guardianship Petition No. 1 of 2022 in favour of the Petitioners and the latest home visit report/progress Report prepared by the Professional Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm, Mumbai, is that said Adoptee Daksh is well integrated into the Adoptive Family.

16. Mr. O. Hareendran, Scrutiny Officer has tendered Scrutiny Report/Representation of Indian Council of Social Welfare dated 18th July 2023, which is taken on record and marked “X” for identification.

17. The said Adoptee together with the Petitioners are present at today’s hearing. From the interaction with the said Adoptee, I found that he has a positive approach towards life. He is waiting of conformation of the legal status of being the son of the Petitioners.

18. Considering that as per earlier order dated 22nd

December 2022 an amount of Rs. 2,00,000/- has been invested in the name of the said Adoptee Daksh with Indian Bank –Term Deposit for a period of 555 days. The Deposit Receipt dated 4th January 2023 having been placed on record. There is no question of further investment.

19. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (d) of the Petition, which read thus:-

*“(a) That this Hon’ble Court may be pleased to declare the Petitioner as Adoptive Parents of the said male **Daksh Sumukh Rajadhyax**, under the guardianship of the Petitioners **Mr. Sumukh Vinayak Rajadhyax and Mrs. Geeta Sukukh Rajadhyax**.*

(b) That the period of two years must elapse before the Court considers the Petition for adoption from the date the Court passes the order of Guardianship be waived off.

*(c) That the Petitioner be allowed to change the name of the male from “DAKSH” to “**Daksh Sumukh Rajadhyax**”.*

*(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said male **Daksh***

*Sumukh Rajadhyax, born on 28/06/2005 and stating that thereon that the Petitioners as the Parents of the said male **Daksh Sumukh Rajadhyax.**”*

20. The Judge’s Order is accepted and separately signed.

21. The Indian Adoption Petition is accordingly, disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]