

World Children Welfare Trust Bal Anand ...Petitioner
Through Social Worker Riya Gupta

Atul Gangadhar Mokadkar And Vrushali Atul Mokadakar (Prop Parents)	...Respondents / Prospective Adoptive Parents
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Mr. Dilip S. Gurav, Chamber Registrar present.

DATE : 25 January 2024

1. By this Indian Adoption Petition, the Petitioner-Institution and the Proposed Adoptive Parents have sought adoption of female minor Chandani (“**the said female minor**”) born on 12th March 2023. The

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said female minor was admitted to the Petitioner-Institution on 6th April 2023 as per the order of the Child Welfare Committee (CWC), Mumbai Suburban District, Mumbai dated 6th April 2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”). Thereafter, the biological parents executed a Deed of Surrender before the CWC on 13th April 2023 for the said female minor’s further rehabilitation. The admission order of CWC has been placed on record at page No.21 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC Mumbai Suburban District, Mumbai declared the said female minor “Legally Free for Adoption” on 20th June 2023. The Free for Adoption certificate has been placed on record at page Nos.22-23 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals, residing at Satara, Maharashtra aged about 39 and 32 years respectively. They have been married for the past 9 years (22nd April 2014) with no biological children.

4. The Motivation Letter of the Prospective Adoptive

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Parents has been placed on record at page No.28 to the Petition.

5. The Minutes of the Adoption Committee meeting held on 26th July 2023 have been placed on record at page Nos. 19-20 to the Petition. The Committee has decided that the Prospective Adoptive Parents are suitable to adopt the said female minor.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said female minor has been placed on record at page Nos.24-26 to the Petition.

7. The Medical Report of the Prospective Adoptive Parents dated 18th July 2023 states, "Fit for parenting child". Their HIV I & II and Hepatitis B test Reports certifies the case as Non-Reactive. These Reports have been placed on record at page Nos. 34 – 43 to the Petition.

8. The Prospective Adoptive Father is working as an Operator-Production Department with ACG Associated Capsules Pvt. Ltd., Satara since December 2011 and his monthly (June-2023) gross

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salary is Rs. 56,145/-. His Employment certificate, Salary Slip and Tax Returns have been placed on record at page Nos. 54-78 to the Petition.

9. The Prospective Adoptive Mother is a Homemaker.
10. The copies of Aadhar card, PAN Card, Proof of Residence and other supportive financial documents have been placed on record at page Nos.32-33, 44 & 79 to the Petition.
11. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents has been placed on record at page Nos. 93-103 and 110-120 to the Petition.
12. The Home Study Report part II: Assessment Reports dated 11th January 2020 and 9th December 2022 of the social worker of Specialized Adoption Agency “Dronagiri Shikshan Sanstha’s Shishugruh”, Satara, Maharashtra have found the Prospective Adoptive Parents suitable for adopting a child between the age group of 0 to 2 years. The said Reports have been placed on record at page Nos. 104-109 and 121-126 to the Petition.

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13. The child security undertaking dated 30th December 2019 given by the Prospective Adoptive Father's brother and sister-in-law residing at Palghar, Maharashtra to look after the said female minor in case of any mishap to the Prospective Adoptive Parents has been placed on record at page No.88-91 to the Petition.

14. Medical Examination Report of the said female minor dated 8th July 2023 states "Health Status: Normal. Overall Observation of the child: Chandani is a cheerful child, whose growth and development is age appropriate". The Prospective Adoptive Parents have countersigned the said Medical Examination Report. The said Report has been placed on record at page Nos. 133-141 to the Petition.

15. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Chandani' be renamed as "Adhishri Atul Mokadkar".

16. The H.I.V. Report of the said female minor dated 10th April 2023 certifies the case as Negative.

17. Learned Advocate appearing for the Petitioner has tendered the H.I.V. Report of the said female minor dated 10th April 2023 which is taken on record and marked “X” for identification.

18. The post card size photograph of the said female minor has been placed on record at page No.27 to the Petition.

19. The Joint Declaration of consent, willingness and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Adoptive Parents of the said female minor. The said declaration has been placed on record at page Nos.45-47 to the Petition.

20. The pre-adoption foster care undertaking dated 28th July 2022 has been placed on record at page Nos. 50-53 to the Petition.

21. The undertaking dated 24th July 2023 given by the Specialized Adoption Agency “Dronagiri Shikshan Sanstha’s Shishugruh”, Satara, Maharashtra for furnishing post adoption follow-up Reports has been placed on record at page No. 129 to the

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Petition.

22. The Petitioner-Institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 5th May 2025.

23. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation of the Indian Council of Social Welfare dated 15th January 2024, which is taken on record and marked 'Y' for identification.

24. Having considered the material on record as well as the Report/Representation dated 15th January 2024 of the Scrutiny Officer which is marked 'Y', in my view, it would be in the interest of the said female minor, if she is adopted by the Proposed Adoptive Parents.

25. 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.**,¹ concerning challenge raised to the Juvenile Justice (Care and

¹ Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)

Protection of Children) Amendment Act, 2021, the Division Bench of this Court on 10th January, 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.”

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

27. In the circumstances, the Petition is allowed in terms of prayer clauses (a) to (d) which read thus;

(a) That this Hon’ble Court may please to appoint the prospective parents as Adoptive Parents of the said minor CHANDANI @ ADHISHRI now in the legal custody of the Worldchildren Welfare Trust India, BAL ANAND, MUMBAI;

(b) That the prospective parents be allowed to change the name of the minor, from CHANDANI to ADHISHRI ATUL MOKADKAR;

- (c) That the petitioners be granted leave of this Hon'ble Court to remove the said minor CHANDANI outside the jurisdiction of this Hon'ble Court and to take the said minor alongwith them i.e. to the family of the prospective parents wherever they may reside or their work may required them to;
- (d) That the concerned Municipal Authority may be directed to issue Birth Certificate within five working days from the date of application of the Petitioner, as per the provision of regulation 35 of the Adoption Regulation of the said minor CHANDANI @ ADHISHRI showing the prospective parents ATUL GANGADHAR MOKADKAR and VAISHALI ATUL MOKADKAR as the adoptive father and mother, respectively.

28. There is an undertaking of the Adoptive Parents in the Judge's order to invest a sum of Rs.1,00,000/- in the name of Adopted Child. They also further undertake not to withdraw this investment till the Adopted Child attains majority. They agree to

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hand over the investment receipts to the Adopted Child on her becoming a major. This undertaking is accepted as an undertaking given to this Court.

29. The Judge's order is accepted and signed separately.

30. The Indian Adoption Petition is accordingly disposed of.

No order as to costs.

[R.I. CHAGLA J.]

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