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

INDIAN ADOPTION PETITION NO.25 OF 2024

WITH

JUDGE'S ORDER NO. 38 OF 2024

IN

INDIAN ADOPTION PETITION NO.25 OF 2024

**St. Catherine's Home Through Its
Superintendent**

...Petitioner

And

**1. Kiran Kashinath Gorivale
2. Sayali Kiran Gorivale**

**...Prospective
Adoptive
Parents**

Mr. Rakesh Kapoor i/b M/s. Rakesh K.L. Kapoor & Co., Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer, ICSW present.

Mr. D.S. Gurav, Chamber Registrar present.

Mr. Kiran Gorivale Adoptive father present.

Ms. Sayali Gorivali – Adoptive mother present.

Kum. Advait Gorivale Adoptive child present.

CORAM : R.I. CHAGLA, J.

DATE : FEBRUARY 28, 2024.

ORDER :

1. By this Indian Adoption Petition the Petitioner and the Prospective Adoptive Parents have sought adoption of male minor Arnav ('the said male minor') born on 18/6/2023 and admitted to the Petitioner institution on 23/6/2023 as per the order of the Child Welfare Committee (CWC), Mumbai Suburban-II dated 23/06/2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 ("the Act"). On 7/7/2023, the biological parents executed a Deed of Surrender before the said CWC for further rehabilitation. The Admission Order of the CWC is on record at page No.22 to the Petition.

2. After making due inquiry under Section 38 of the Act, the CWC declared the said male minor "Legally Free for Adoption" on 20/9/2023. The Free for adoption order is on record at page No.21 to the Petition.

3. The Prospective Adoptive parents are Indian nationals, residing at Chembur, Mumbai, aged about 48 and 47 years

respectively. They have been married for the past 22 years since 18/4/2001 with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.35 to the Petition.

5. The Minutes of Adoption Committee Meeting held on 27/10/2023 is on record at page Nos.19-20 to the Petition and it states that the Prospective Adoptive Parents are suitable to adopt the said male minor born on 18/6/2023.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said male minor is on record at page Nos. 120-124 to the Petition.

7. The Medical Report of the Prospective Adoptive Parents dated 23/10/2023 states, “Not suffering from any communicable disease”. Their HIV I and II and Hepatitis B test report certify the case as Non-reactive. These reports are on record at page Nos. 26-34 to the Petition.

8. The Prospective Adoptive father is self-employed (running a business under the name and pattern “M/s Omkar Tours and Travels” Mumbai) since 1998 and his income for Assessment Year 2023-24 is Rs.4,91,410/- The Chartered Accountant Certificate, Business License and Income Tax Returns are on record at page Nos. 46-65 to the Petition. The Prospective Adoptive mother is a Homemaker.

9. The Proof of Residence, copies of Pan Cards and other supportive financial documents are on record at page Nos.36-39 and 66-73 to the Petition.

10. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 74-82 to the Petition.

11. The Home Study Report Part II: Assessment report dated 10/8/2021 of the social worker of Specialized Adoption Agency, “Bal Anand, Worldchildren Welfare Trust India” Chembur, Mumbai has found the Prospective Adoptive Parents suitable for adopting the said male minor. This report is on

record at page Nos. 83-89 to the Petition.

12. The Child Security Undertaking dated 23/10/2023 given by the Prospective Adoptive Father's cousin brother and sister-in-law residing at Sion, Mumbai to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 103 to 104 to the Petition.

13. The Medical Examination Report of the said male minor dated 3/10/2023 is on record at page No.108-116 to the Petition and it states, 'Health Status: Normal. Overall observation of the child: Arnav has achieved the expected milestones for his age". The Prospective Adoptive Parents have countersigned the Medical Examination Report.

14. As regards the change of name the adoptive parents desire that the said male minor '**Arnav**' be renamed as "**Advait Kiran Gorivale**".

15. The HIV Test Report of the said male minor dated 12/7/2023 certifies the case as Negative. This report can be found at page Nos.118 to the Petition. The Post Card Size

Photograph of the said minor is at page No.119 to the Petition.

16. The Declaration of consent, willingness and undertaking by the Prospective Adoptive Parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of the said male minor Arnav born on 18/6/2023. This Declaration is on record at page Nos.40-42 to the Petition.

17. The Pre-Adoption Foster Care Undertaking dated 23/10/2023 is on record at page No.43-45 to the Petition.

18. The Undertaking dated 21/10/2023 given by the authorities of “Bal Anand, Worldchildren Welfare Trust India” Chembur, Mumbai for furnishing post adoption follow-up reports is on record at page No.125 to the Petition.

19. The Petitioner institution’s recognition from the Women and Child Development, Maharashtra State to place children in adoption is valid for a period up to 5/5/2025.

20. Mr. O. Hareendran, Scrutiny Officer has tendered the

Report/ Representation from the Indian Council of Social Welfare dated 20/2/2024, which is taken on record and marked “X” for identification.

21. Having considered the material on record, as well as the Scrutiny Report dated 20/2/2024 marked “X”, in my view, it would be in the interest of the said male minor child that he is adopted by the Prospective Adoptive Parents.

22. 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.**, concerning challenge raised to the Juvenile Justice (Care and 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."

24. Hence it is clear that this Court can consider and disposed of the present Petition.

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

a) That the Prospective Adoptive Parents be given the said

mail minor **Advait Kiran Gorivale** 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 male 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 **Advait Kiran Gorivale** born on **18/06/2023** 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 **Arnav** to "**Advait Kiran Gorivale**".

29. In the Judge's Order there is an undertaking of the Adoptive Parents to invest an amount of Rs.1,00,000/- (Rupees One Lakh only) in the name of the Adopted Child in any Nationalized Bank. They also undertake not to withdraw this investment till the Adopted Child attains majority. They agree to handover the investment receipt to

the Adopted Child on his becoming a major. This undertaking is accepted as an undertaking to this Court.

30. The Judge's order is also separately signed.
30. The Indian Adoption Petition is accordingly disposed of.
31. There shall be no orders as to costs.

[R.I. CHAGLA, J.]