

Sharada

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

INDIAN ADOPTION PETITION NO. 27 of 2024
WITH
JUDGE'S ORDER NO. 40 OF 2024

St. Catherine's Home, through its ...Petitioner
Superintendent

And

Devaraj N. Timmannanavar and Smita C. ...Prospective
Honnappanavar (PR Present) And Vedika D. Adoptive Parents
Timmannanavar (Minor)

Mr. Rakesh Kappor i.by Kappor and co., Advocate for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer, ICSW present.
Mr. D.S. Gurav, Chamber Registrar present.

CORAM : R.I. CHAGLA, J.

DATE : 6TH MARCH 2024

ORDER :

1. By this Indian Adoption Petition jointly filed by the
Petitioner and the Prospective Adoptive Parents, adoption of female
minor Prapti ("**the said female minor**") born on 27/03/2023 is

sought.

2. The biological mother of the said female minor surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban-II on 03/04/2023 and the child's safe custody was given to the Petitioner institution on the same day as per the order of the said CWC on 03/04/2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 ("the said Act"). The Admission Order of CWC is on record at page No. 22 to the Petition.

3. After making due inquiry under Section 38 of said Act, the CWC, Mumbai Suburban-II declared the said female minor ("Legally Free for Adoption") on 12/06/2023. The Free for adoption Certificate is on record at page No. 21 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals residing at Haveri, Karnataka, aged about 49 years and 43 years respectively. They have been married for the past 15 years (22/12/2008) with no biological children.

5. The Motivation Letter of the Proposed Adoptive Parents is on record at page No.31 to the Petition.

6. The Minutes of Adoption Committee Meeting held on

12/09/2023 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 female minor.

7. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said female minor is on record at page Nos. 113-117 to the Petition.

8. The Medical Report of the Prospective Adoptive Parents dated 17/09/2023 states that they are not having signs/symptoms of any disease on clinical examination. They are in good health. Their HIV I & II and Hepatitis B test reports certify the case as Negative. The said Medical Report is on record at page Nos. 27-30 to the Petition.

9. The Prospective Adoptive Father is self-employed (own business of Aquascaping Consultation) since 2015 and earning Rs..5 lakh per annum as per his Income Affidavit dated 18/10/2023 which is on record at page Nos.40-41 to the Petition.

10. The Prospective Adoptive Mother is working as a Teacher at Government Higher Secondary School, Aremallapur since 2008 and her monthly (August-2023) gross salary is Rs.82,440/-. Her pay slip

and Income Tax Returns are on record at page Nos.42-57 to the Petition.

11. The Proof of Residence, copies of Pan Cards and other supportive financial documents are on record page Nos. 32-35 & 58-60 to the Petition.

12. The childcare plan Declaration of the Prospective Adoptive Mother and her mother-in-law are on record at page Nos.61-68 to the Petition.

13. The Home study report Part I Self Assessment reports by the Prospective Adoptive Parents is on record at page Nos.69-74 & 78-83 to the Petition.

14. The Home Study Part II : Assessment Reports dated 23/1/2020 and 20/01/2023 of the Social Worker of Specialized Adoption Agency, “ Spandana Adoption Centre”, Haveri, Karnataka is on record and the reports have found the Prospective Adoptive Parents are suitable for adopting a child. The said Home study reports are on record at page Nos. 75-77 & 84-86 to the Petition.

15. The child security undertaking dated 04/04/2023 given by

the Prospective Adoptive Father's nephew and his wife residing at Hubli, Karnataka to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 95-97 to the Petition.

16. The Medical Examination Report of the said female minor dated 22/08/2023 states, "Health Status :Normal. Overall Observation of the child :Prapti is growing adequately physically and neurologically". The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.101-109 to the Petition.

17. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Prapti' be renamed as "Vedika Devraj Timmannanavar".

18. The HIV report of the said female minor dated 05/04/2023 certifies the case as Negative. This report can be found at page No.111 to the Petition.

19. The Post Card Size Photograph of the said female minor is at page No.112.

20. 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 female minor (Prapti) born on 27/03/2023. This Declaration of record at page No.36-37 to the Petition.

21. Pre-adoption foster care undertaking dated 05/09/2023 is on record at page No.38-39 to the Petition.

22. The undertaking dated 10/09/2023 given by the authorities of “Spandana Adoption Center”, Haveri, Karnataka for furnishing post adoption follow-up reports is on record at page Nos. 86 & 118 to the Petition.

23. The Petitioner institution’s recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 05/05/2025.

24. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 21st February, 2024 which is taken on record and marked ‘X’ for identification.

25. Having considered the material on record as well as the Report of the Scrutiny Officer dated 21st February, 2024 marked 'X', in my view, it would be in the interest of the said female minor if she is adopted by the Proposed Adoptive Parents 23 August 2023.

24. 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 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 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 child Vedika Devaraj Timmannanavar 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 Vedika Devaraj Timmannanavar 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 Vedika Devaraj Timmannanavar, born on 27/03/2023 and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parent be allowed to change the name of the minor from 'Prapti' to "Vedika Devaraj Timmannanavar".

28. 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 Adopted Child's name. They also undertake not to withdraw this investment till the Adopted Child attains majority. They have agreed to handover the investment receipt to the Adopted Children on her becoming a major. This undertaking is accepted as an undertaking to this Court.

29. The Judge's Order is also separately signed.

30. The present Indian Adoption Petition is accordingly,

disposed of.

31. There shall be no orders as to costs.

[R.I. CHAGLA, J.]