

*Sharada*

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

**INDIAN ADOPTION PETITION NO. 30 OF 2024  
WITH  
JUDGE'S ORDER NO. 43 OF 2024**

**Catherine's Home**

**...Petitioner**

**And**

**Jayesh Vasant Pawar and Pradnya Jayesh  
Pawar**

**...Prospective  
Adoptive Parents**

-----

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.

Mr. Jayesh Vasant Pawar- Adoptive father.

Ms. Pradnya Jayesh Pawar- Adoptive mother with Kum Ananya  
Jayesh Pawar (minor) – present.

-----

**CORAM : R.I. CHAGLA, J.**

**DATE : 6TH MARCH 2024**

**ORDER :**

1. By this Indian Adoption Petition the Petitioner and the Prospective Adoptive Parents have sought adoption of the female

minor Anaya (“**the said female minor**”) born on 17/09/2021. The said female minor was found abandoned by the Sakinaka Police Station on 16/09/2022 and produced before the Child Welfare Committee (CWC), Mumbai Suburban District-II, on 19/09/2022 and the child’s custody was given to the Petitioner institution on the same day as the the order of the CWC, dated 19/09/2022 under the Provisions of the Juvenile Justice(Care and Protection of Children) Act, 2015 (the said Act). 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 said Act, the CWC, Mumbai Suburban-II, declared the said female minor Anaya (“Legally Free for Adoption”) on 18/01/2023. The Free for adoption Certificate is on record at page No. 21 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Airoli, Navi Mumbai aged about 49 years and 43 years respectively. They having married for the past 06 years (03/01/2017) with no biological children. The Prospective Adoptive Father was married earlier on 11/05/2003 and divorced on 17/09/2013 with no biological children. The Prospective Adoptive Mother was married earlier on 04/01/2009 and divorced on 14/01/2013 with no

biological children. The Divorce Decrees are on record at page Nos.26-35 to the Petition.

4. The Motivation Letter of the Proposed Adopters is on record at Page No. 38 to the Petition.

5. The decision of the Adoption Committee at meeting held on 24/07/2023 is 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 child.

6. 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. 131-135 to the Petition.

7. The Medical Report of the Prospective Adoptive Parents dated 27/10/2023 states that both are in good health and capable for parenting an adopted child. Their HIV I & II and Hapatitis B test reports certify the case as Non-reactive. These reports can be found at page Nos.36-37A to the Petition.

8. The Prospective Adoptive Father is a Senior Quality Evaluator with Illumifin India LLP, Malad, Mumbai since 2007 and his

monthly (September 2023) income is Rs.43,964/-. The salary certificate of chartered Accountant, pay slips and Income Tax Returns are on record at page Nos.48-59 to the Petition.

9. The Prospective Adoptive Mother is working as an Assistant Teacher at Sm.t Radhikaba Meghe Vidyalaya & Jr. College, Airoli, Navi Mumbai since April, 2022 and her monthly (September 2024) gross salary is Rs.16,000/-. The Income Certificate of Chartered Accountant, Salary Certificate and Income Tax Returns are on record at page Nos.60-72 to the Petition.

10. The Proof of Residence, copies of Aadhar and Pan Cards and other supportive financial documents are on record at page Nos.37-40 & 73-77 to the Petition.

11. The Childcare Arrangement Plan Undertaking of the Prospective Adoptive Parents is on record at page No.78-81 to the Petition.

12. The Home study report Part I Self Assessment by the Prospective Adoptive Parents is on record at page Nos.81-89 & 94-101 to the Petition.

13. The Home Study Part II : Assessment Reports dated 03/10/2019 and 07/10/2022 of the Social Worker of Specialized Adoption Agency, (“Children of the World”) India Trust Nerul, Navi Mumbai is on record have found the Prospective Adoptive Parents suitable for adopting a child. These reports are on record at page Nos.90-93 & 102-106 to the Petition.

14. The child security undertaking dated 26/10/2023 given by the Prospective Adoptive Father’s brother and sister-in-law residing at Ghansoli, Navi Mumbai to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 114-116 to the Petition.

15. The Medical Examination Report of the said female minor dated 03/10/2023 states, “Health status of the child : Normal child. Overall Observation of the child: Anila is growing well for her age”. The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.120-127 to the Petition.

16. As regards the change of name, the Proposed Adoptive Parents desire that the said female minor ‘Anila’ be renamed as

“Ananya Jayesh Pawar”.

17. The HIV report of the said female minor dated 22/10/2023 certifies the case as Negative. This report is on record at page No. 129 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.130 to the Petition.

18. The Declaration of consent, willingness and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as Adoptive Parents of the said female minor. The said Declaration is on record at page Nos.42-44 to the Petition.

19. The Pre-adoption foster care undertaking dated 26/10/2023 is on record at page Nos.45-47 to the Petition.

20. The undertaking dated 22/07/2023 given by the authorities of (“Children of the World (India) Trust”) Nerul, Navi Mumbai for furnishing post adoption follow-up reports is on record at page No.136 to the Petition.

21. 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.

22. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 20/02/2024 which is taken on record and marked 'X' for identification.

23. Having considered the material on record as well as the Report of the Scrutiny Officer dated 06/03/2024 marked 'X', in my view, it would be in the interest of the said female minor child if she is adopted by the Proposed Adoptive Parents.

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.,<sup>1</sup>** 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.”*

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

28. 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 Ananya Jayesh Pawar in Adoption can 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 Ananya Jayesh Pawar 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 Ananya Jayesh Pawar, born on 17/09/2021 and stating thereon that the Prospective Adoptive Parents are the Parents of Parents of the said minor.*

*(d) That the Prospective Adoptive Parent be allowed to change the name of the minor from ‘ANILA’ to “ Ananya Jayesh Pawar”.*

29. The Judge’s Order is also accepted and separately signed.

30. 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 his becoming a major. This undertaking is accepted as an undertaking to this Court.

31. The present Indian Adoption Petition is accordingly, disposed of.

32. There shall be no orders as to costs.

**[R.I. CHAGLA, J.]**