

Sharada

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

INDIAN ADOPTION PETITION NO. 40 OF 2024

WITH

JUDGE'S ORDER NO. 57 OF 2024

IN

INDIAN ADOPTION PETITION NO. 40 OF 2024

Vatsalya Trust Th. Its Social Worker /
Auhtorised Signatory Leena Belwalkar

...Petitioner

And

Shakuntala Vasant Kerumane (Prop. ADO.
Parent) and Reva Alias Reva Shakuntala
Kerumane (Minor)

...Prospective
Adoptive Parent

Ms. Sangeeta A. Nogpal, Advocate for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer, ICSW present.
Mr. D.S. Gurav, Chamber Registrar present.

CORAM : R.I. CHAGLA, J.

DATE : 3 APRIL 2024

ORDER :

1. By this Indian Adoption Petition the Petitioner and the

Prospective Adoptive Parents have sought adoption of the female minor Reva (“**the said female minor**”) born on 12/04/2023. The biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban District on 18/04/2023 and the child’s safe custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 18/04/2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”). The Admission order is on record at page No.89 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mankhurd, District Mumbai, declared the said female minor Reva (“Legally Free for Adoption”) on 27/06/2023. The Free for adoption Certificate is on record at Page Nos. 86-87 to the Petition.

3. The Prospective Adoptive Parent is a Spinster of Indian nationality residing at Belagavi, Karnataka aged about 42 years and has no biological / adopted children.

4. The Motivation Letter of the Proposed Adoptive Parents is on record at page No. 64. to the Petition.

5. 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. 96-101 to the Petition.

6. The Minutes of Adoption Committee meeting held on 22/11/2023 is on record at page No.83 to the Petition. It states that the Prospective Adoptive Parent is suitable to adopt the said female minor.

7. The Medical Report of the Prospective Adoptive Parent dated 09/11/2023 states that she is physically and mentally fit and healthy. Her HIV & HbsAg test reports certify the case as negative. These reports are on record at page Nos.29-32 to the Petition.

8. The Prospective Adoptive parent is working as a Branch Manager with Karnataka Vikas Grameena Bank, Dharwad, Karnataka since 6/12/2006 and her monthly (January-2024) gross salary is Rs. 94,941-. The Employee Certificate, Salary Slip and Income Tax Returns are on record at page Nos.24-33 to the Petition.

9. The copy of Pan Card, Proof of Residence and supportive financial documents are on record at page Nos.24-33 & 39-42 to the Petition.

10. The children arrangement plan undertaken by the Prospective Adoptive Parent's elder sister is on record at page Nos.65-67 to the Petition.

11. The Home study report Part I Self Assessment by the Prospective Adoptive Parent is on record at page Nos.43-49 & 54-58 to the Petition.

12. The Home Study Part II: Assessment Reports dated 11/08/2020 & 28/06/2023 of the Specialized Adoption Agency, "Swami Vivekanand Seva Pratisthan", Belagavi, Karnataka have found the Prospective Adoptive Parent suitable for adopting a child. The said Home Study Reports are on record at page Nos.50-53 & 59-62 to the Petition.

13. The child security undertaking dated 09/11/2023 given by the Prospective Adoptive Parent's sister and brother-in-law residing at Belagavi, Karnataka to look after the said female minor in case of any mishap to the Prospective Adoptive Parent is on record at page Nos.68-71 to the Petition.

14. The Pre-adoption foster care undertaking dated 15/11/2023 is on record at page Nos.90-91 to the Petition.

15. The Joint Declaration of consent, and willingness to adopt by the Prospective Adoptive Parent states that she is willing to be appointed and declared as the Adoptive Parent of the said female minor. The said Declaration is on record at page Nos.92-93 to the Petition.

16. The Medical Examination Report of the said female minor dated 20/10/2023 states, "Health status of the child: Normal child. Overall Observation of the child: Up to now her overall development is within normal limits". The Prospective Adoptive Parent has countersigned the Medical Examination Report which is on record at page Nos.75-81 to the Petition.

17. The HIV report of the said female minor dated 22/04/2023 certifies the case as Negative. This report is on record at page No. 82 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.95 to the Petition.

18. As regards the change of name, the Proposed Adoptive Parent desires that the said female minor 'Reva' be renamed as "Reva Shakuntala Kerumane".

19. The undertaking dated 18/11/2023 given by the

authorities of Specialized Adoption Agency (“ Swami Vivekanand Seva Pratisthan”), Belagavi, Karnataka for furnishing post adoption follow-up reports is on record at page No.96 to the Petition.

20. The Petitioner institution’s recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 05/07/2025.

21. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 25/03/2024 which is taken on record and marked ‘X’ for identification.

22. Having considered the material on record as well as the Report of the Scrutiny Officer dated 25/03/2024 marked ‘X’, in my view, it would be in the interest of the said female minor child if she is adopted by the Proposed Adopter.

23. 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

1

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

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 dispose of the present Petition.

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

“(a) For adoption of the Proposed female minor REVA @ REVA SHAKUNTALA KERUMANE born on 12th April 2023 by the Proposed Adopter under Juvenile Justice Act.

(b) For declaring the Proposed Adopter as Adoptive Parent of the said minor and shall have all parent’s rights, privileges and responsibilities over the said minor REVA SHAKUNTALA KERUMANE.

(c) That the Proposed Adopter be granted permission to change the name of minor REVE TO REVA SHAKUNTALA KERUMANE.

(d) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor REVA SHAKUNTALA KERUMANE, born on 12th April 2023 and stating thereon that the Prospective Adoptive Parent as the Parent of the said minor.

e) *That the Prospective Adoptive Parent may be granted Leave to remove the said 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."*

26. In the Judge's Order there is an undertaking of the Adoptive Parent to invest an amount of Rs.1,00,000/- (Rupees One Lakh only) in the Adopted Child's name. The Adoptive Parent also undertakes not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parent agrees to handover the investment receipt to the Adopted Child on her becoming a major. These undertakings are accepted as undertaking to this Court.

27. The Judge's Order is also accepted and separately signed.

28. The Indian Adoption Petition is accordingly, disposed of.

29. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

Privacy warning : No part of this order shall be uploaded on any public domain or portal without this Court's express permission.