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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. 51 OF 2024

WITH

JUDGE'S ORDER NO. 74 OF 2024

IN

INDIAN ADOPTION PETITION NO. 51 OF 2024

Shaheda Mohitkar and Sahil Sagar Mohitkar

...Petitioners

Mr. Rakesh Kapoor i.by Kapoor and co., Advocate for the Petitioner.

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

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

Mr. Sahil Sagar Mohitkar- Adoptee Present.

Ms. Shaheda Mohitkar Mother – Adoptive Mother present.

CORAM : R.I. CHAGLA, J.

DATE : 30 APRIL 2024

ORDER :

1. By this Indian Adoption Petition the Petitioner is seeking adoption of Sahil Sagar Mohitkar (“**the said Adoptee**”). The Petitioner and her Ex-husband Mr. Sagar Purushottam Mohitkar, were jointly appointed as guardians of the said Adoptee by this Court vide Order dated 8 October, 2003 in Indian Guardianship Petition No.115 of 2003.
2. The Adoption Petition is filed by the Petitioner as per the provisions of the judgment dated 27th October, 1999 of Justice Shri F. I. Rebello (2000 All MR Pg.39).
3. The Petitioner is a single woman (Divorcee) of Indian National residing at Andheri West, Mumbai, aged about 58 years. She was married to Mr. Sagar Purushottam Mohitkar on 27th August, 1990 and has no biological children. However, the said marriage was dissolved by a decree of divorce on 01/09/2008 (vide Petition No.A-238 of 2007 in the Family Court No.2, Mumbai) and the custody of the said Adoptee was with the Petitioner herein. The Divorce Decree is on record and page Nos.20-42 to the Petition.
4. The Medical Certificate of the Petitioner dated 23/03/2024

states that “She is medically and physically fit and free from any disease.” The said Medical Certificate is on record at page No.45 to the Petition.

5. The Petitioner is working as a Sales Manager with Alpradeep project Management Services Co., Dubai since 23/12/2023 and her monthly salary is Rs.8,300 Dirham. Her Salary Certificate dated 23/03/2024 is on record at page No.46 to the Petition.

6. The Petitioner’s copies of Aadhar & Pan Card, and supportive financial documents and proof of Residence are on record at page Nos.43-44 & 47-49 to the Petition.

7. As per this Court’s direction dated 08/10/2003, the Petitioner and her Ex-husband have invested a sum of Rs.50,000/- in the name of the said Adoptee on 15/10/2003 with HDFC Mutul Fund. The Proof of investment is on record at page No.48 to the Petition.

8. The Home Study Report dated 29/03/2024 of the Petitioner by the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm is on record and the report has recommended the said Adoptee’s case for adoption, as it will be in the best interest of the said Adoptee.

9. The said Report is on record at page Nos.50-52 to the Petition. The follow up Report of the said Adoptee dated 29/03/2024 states that he has adjusted to his state of affairs and is now fully aware of his adoptive status. The said Report is on record at page Nos.53-54 to the Petition.

10. The said Adoptee is currently pursuing his second year in Mechanical Engineering at St, Francis Institute of Technology in Borivali, Mumbai. The said Adoptee is inclined to pursue higher education and complete Masters' Degree in the same stream and move abroad to establish his career.

11. The Medical Certificate dated 23/03/2024 of said Adoptee is on record and states that he is medically and physically fit. His latest Photograph, Medical Certificate, Consent letter and copies of Aadhar and Pan Card are on record at page Nos.61-65 to the Petition.

12. The Recommendation letters in support of adoption of the said Adoptee from close family friends are on record at page Nos.55-60 to the Petition.

13. Mr. O. Hareendran, Scrutiny Officer has tendered Report /

Representation from the Indian Council of Social Welfare (ICSW) dated 20/04/2024. A conclusion has been arrived at in the report based on the Guardianship Petition No.115 of 2003 in favour of the petitioner and the latest home visit report/progress report prepared by the Qualified Social Worker, that the said Adoptee is well integrated into the adoptive family.

14. The said Adoptee together with the petitioner are present for today's hearing. From the interaction with him I find that he has a positive approach towards life and aware of the circumstances around him. He is waiting to be confirmed the legal status of being the Adopted Son of the Petitioner. Considering that as per the earlier order dated 8th October, 2003 the Petitioner and her Ex-husband invested a sum of Rs.50,000/- in the name of the said Adoptee, there is no question of further investment.

15. Mr. Rakesh Kapoor, learned Counsel appearing for the Petitioner has submitted that as an exceptional case the present Petition may be allowed so that the said Adoptee parented by Guardianship is not put into a question at any stage. I am agreeable with the submission of Mr. Kapoor and in my view it would be in the interest of the said Adoptee that he is adopted by the Petitioner and that the

Petitioner is declared as Adopted Parent.

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

“(a) That this Hon’ble Court may be pleased to declare the Petitioner as Adoptive Parent of the said male Sahil Sagar Mohitkar, under the guardianship of the Petitioner.

(b) That this Hon’ble Court may be pleased to condone the delay in filing the present Petition.

(c) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said male Sahil Sagar Mohitkar, born on 04/10/2002 and stating that thereon that the Petitioner as the Parent of the said male Sahil Sagar Mohitkar”

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

18. The Indian Adoption Petition is accordingly disposed of.

19. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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