



adoption of male minor Prathmesh (“**the said male minor**”) born on 22<sup>th</sup> February, 2023.

2. The said male minor was found abandoned by the Manor Police Station, Palghar and produced before the Child Welfare Committee (CWC), Mumbai City-II on 17/03/2023. The said male minor’s custody was given to the Petitioner Institution on the same date. On 20/03/2023, through its order, CWC recognized the admission under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The admission order of CWC is on record at Page No.25 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the CWC, Mumbai City II, declared the said male minor “Legally Free for Adoption” on 05/07/2023. The Free for Adoption Certificate is on record at page No. 23-24 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Beed, Maharashtra aged about 40 and 39 years respectively. They have been married for the past 12 years

(06/05/2011) with no biological children.

5. The motivation letter from the Prospective Adoptive Parents is on record at page 34 to the Petition.

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. 122-136 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 14/08/2023 & 21/08/2023 are on record at page No. 19-22 to the Petition. The Committee has decided that the Prospective Adoptive Parents are suitable to adopt the said male minor.

8. The Health Report dated 27/07/2023 of the prospective adoptive parents states, “They do not have any fatal, chronic or contagious diseases at present. They are fit for adoption of a child”. Their HIV and HBsAg test reports certify the case as Negative. The said reports are on record at page Nos. 29-33 to the Petition.

9. The Prospective Adoptive Father is self-employed (running Family Business “Gujarat General Stores and Heena

Xerox” at Balbhim Chowk, Beed and his income for the Assessment Year 2023-24 is Rs. 4,12,360/-. His Income Tax Returns for the Assessment Years 2021-22, 2022-23 and 2023-24 are on record at page Nos. 41-52 to the Petition. The Prospective Adoptive Mother is a Homemaker.

10. The Proof of residence, Pan Card copies and supportive financial documents are on record at page Nos. 35-36 & 53-57 to the Petition.

11. The home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 58-71 to the Petition.

12. The home study Report Part II: Assessment reports dated 08/01/2020 and 20/11/2022 by the Social Worker of Specialized Adoption Agency “SAKAR (Society for Adoption Knowledge Awareness & Resource)”, Aurangabad is on record and the reports have found the prospective adoptive parents suitable for adopting a child. The said report is on record at page Nos. 72-87 to the Petition.

13. The child security undertaking dated 25/08/2023 of the Prospective Adoptive mother's brother and sister-in-law residing at Aurangabad, Maharashtra to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 101-102 to the Petition.

14. Medical Examination Report dated 18/07/2023 of the said male minor states "Health Status: Normal. Overall Observation of the child: Prathmesh was admitted to the institution weighing 1.349 kg at 3 weeks of age. His birth history was not available. He had an uneventful stay in the hospital and has subsequently, grown well in the institution. He appears to be developmentally near normal". The Proposed Adopters have countersigned the said report, which is on record at Page Nos. 105-111 to the Petition.

15. The HIV report of the said male minor dated 20/03/2023 certifies the case as Non Reactive. The said report is on record at page No. 113 to the Petition. The Post Card Size Photograph of the said male minor is on record at page No. 144 to the Petition.

16. As regards the change of name, the Prospective Adoptive Parents desire the said male minor **‘Prathmesh’** be renamed as **“Devansh Sachin Buddhadeo”**.

17. The Declaration of consent and undertaking by the Prospective Adoptive Parents state that they are willing to be appointed and declared as the Adoptive Parents of the said male minor. The declaration is on record at page No. 37 to the Petition.

18. The Pre-adoption foster care Affidavit dated 28/08/2023 is on record at page Nos. 38-40 to the Petition.

19. The undertaking dated 26/07/2023 given by the Specialized Adoption Agency “SAKAR (Society for Adoption Knowledge Awareness & Resource)”, Aurangabad for furnishing post adoption follow-up reports is on record at page No.120 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 05/05/2025.

21. Mr. O. Hareendran, Scrutiny Officer has tendered the Report/Representation of the Indian Council of Social Welfare dated 7<sup>th</sup> February, 2024, which is taken on record and marked 'X' for identification.

22. Having considered the material on record as well as the Report/Representation of the Scrutiny Officer marked 'X', I am of the view that it would be in the interest of the said male minor, if he is adopted by the Proposed Adoptive Parents.

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.**,<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*

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

*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 (d) of the Petition, which read thus:-

(a) That the Prospective Adoptive Parents be given the said child in Adoption be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor Devansh Sachin Buddhadeo.

(b) That the Prospective Adoptive Parents 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.

(c) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Devansh Sachin Buddhadeo born on 22/02/2023 and stating that thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to Change the name of the minor from 'Prathmesh' to "Devansh Sachin Buddhadeo".

26. 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. They also undertake not to withdraw this investment till the Adopted Child attains majority. They agree to handover the investment receipts to the Adopted Child on his becoming a major. This undertaking is accepted as an undertaking to this Court.

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

28. The present Indian Adoption Petition is accordingly, disposed of. There shall be no orders as to costs.

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