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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. 17 OF 2024
WITH
JUDGE'S ORDER NO. 27 OF 2024**

Shraddhanand Mahilashram

...Petitioner

And

**1. Anant Gajanan Kawade
2. Gauri Anant Kawade**

**...Prospective
Adoptive
Parents**

Mr. Rakesh Kapoor i/b M/s. Rakesh K.L. Kapoor & 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 : 14th FEBRUARY, 2024.

ORDER :

1. By this Indian Adoption Petition, the Petitioner-Institution and the Prospective Adoptive Parents, have sought adoption of female minor Ruhi (“**the said female minor**”) born

on 12th November, 2022.

2. The said female minor was admitted to the Petitioner-Institution on 22/11/2022, as per the order of the Child Welfare Committee (CWC), Mumbai City-I dated 22/11/2022, under the provisions of the Juvenile Justice (Care and Protection of Children) Act 2015. Thereafter, the birth mother of the said female minor executed a Deed of Surrender before the CWC, Mumbai City-I on 24/11/2022 for the child's further rehabilitation. The Admission Order of the CWC is on record at page No. 23 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2021, the CWC, Mumbai City II, declared the said female minor "Legally Free for Adoption" on 15/02/2023. The Free for adoption Certificate is on record at page No. 22 to the Petition.

4. The Prospective Adoptive Parents are residing at Pune, Maharashtra aged about 39 and 34 years respectively. They have been married for the past 9 years (12/05/2014) with no biological children.

5. The motivation letter of the Prospective Adoptive Parents is on record at page 33 to the Petition.

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. 139-143 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 13/06/2023 is on record at page No. 21 to the Petition and it states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

8. The Health report dated 03/06/2023 of the Prospective Adoptive Parents states, "They do not have any contagious diseases or any chronic or fatal disease. They are mentally and physically fit to adopt a child". Their HIV and HBsAg test report certify the case as Non Reactive. The said reports are on record at page Nos. 27-32 to the Petition.

9. The Prospective Adoptive Father is self-employed (Proprietor of the firm Sambhuya R Energy at Pune) since September, 2020 and his income for the Assessment Year 2023-

24 is Rs. 4,34,050/-. His Income affidavit and Income Tax Returns are on record at page Nos. 48-58 to the Petition.

10. The Prospective Adoptive Mother is working as a Senior Coordinator with S.K. Ventures, Pune since 21/06/2021 and her monthly (April-2023) gross salary is Rs. 35,000/-. Her Employment Certificate and Pay slips are on record at page Nos. 59-62 to the Petition.

11. The Proof of Residence & copies of Pan Card and supportive financial documents are on record at page Nos. 34-43 & 63-76 to the Petition.

12. The child care arrangement statement of the Prospective Adoptive Parents is on record at page No. 77 to the Petition.

13. The home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 78-86 & 101-108 to the Petition.

14. The home study Report Part II: Assessment reports dated 25/11/2019 and 14/01/2023 by the Social Worker of Specialized Adoption Agency "SOFOSH (Society of Friends of

the Sassoon Hospitals)”, Pune is on record and the reports have found the Prospective Adoptive Parents suitable for adopting a child. The said reports are on record at page Nos. 87-100 & 109-115 to the Petition.

15. The child security undertaking dated 14/06/2023 given by the Prospective Adoptive father’s sister and brother-in-law residing at Pune to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 123-126 to the Petition.

16. Medical Examination Report dated 27/04/2023 of the said female minor states “Health Status: Normal. Development status: Milestones appropriate for age.” The Prospective Adoptive Parents have countersigned the said report. This report is on record at page Nos. 129-135 to the Petition.

17. The HIV report of the said female minor dated 01/04/2023 certifies the case as Negative. The said report is on record at page No. 137 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No. 138 to the Petition.

18. As regards the change of name, the Prospective Adoptive Parents desire the said female minor '**Ruhi**' be renamed as "**Vrunda Anant Kawade**".

19. The Declaration of consent and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Adoptive Parents of the said female minor. The declaration is on record at page Nos. 44-45 to the Petition.

20. The Pre-adoption foster care undertaking dated 14/06/2023 is on record at page Nos. 46-47 to the Petition.

21. The undertaking dated 03/06/2023 by the Specialized Adoption Agency "SOFOSH (Society of Friends of the Sassoon Hospitals)", Pune for furnishing post adoption follow-up reports is on record at page No.144 to the Petition.

22. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 08/03/2024.

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

24. 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 female minor, if she is adopted by the Proposed Adoptive Parents.

25. 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

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."*

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 Vrunda Anant Kawade 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 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 Vrunda Anant Kawade born on 12/11/2022 and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from RUHI to "Vrunda Anant Kawade".

28. 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 her becoming a major. This undertaking is accepted as an undertaking to this Court.

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

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

[R.I. CHAGLA, J.]