

Vina Khapde  
(P.S.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
AND  
IN ITS GENERAL AND INHERENT JURISDICTION  
  
INDIAN ADOPTION PETITION NO. 9 OF 2024  
WITH  
JUDGE'S ORDER NO.15 OF 2024

**Vatsalya Trust, Mumbai through Social Worker ...Petitioner**  
**Nanda Sangode**

***Versus***

**Sagnik Chakravartty and Nilanjana Kar (Prop. ...Respondents /**  
**Parents) Prospective**  
**Adoptive Parents**

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Ms. Sangeeta A. Nagpal for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare  
present.

Mr. Dilip S. Gurav, Chamber Registrar present.  
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**CORAM : R.I. CHAGLA J**

**DATE : 25 January 2024**

**ORDER :**

1. By this Indian Adoption Petition, the Petitioner-  
Institution and the Proposed Adoptive Parents have sought adoption  
of a male minor Ritanshu (“**the said male minor**”) born on 11<sup>th</sup>

December 2022. The biological mother of the said male minor surrendered him before the Child Welfare Committee (CWC), Mumbai Suburban District on 17<sup>th</sup> January 2023 and the said male minor child's custody was given to the Petitioner-Institution on the same day as per the order of the CWC dated 17<sup>th</sup> January 2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 ("the said Act"). The admission order has been placed on record at page No. 90 to the Petition.

2. After making due inquiry under section 38 of the said Act, the CWC, Mankhurd, District Mumbai declared the said male minor "Legally Free for Adoption" on 31<sup>st</sup> March 2023. The Free for Adoption order has been placed on record at page Nos. 88-89 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals presently residing at Agartala, Tripura, both aged about 46 years having been married for the past 8 years (23<sup>rd</sup> September 2015) with no biological children.

4. The Motivation Letter of the proposed adopters has been

placed on record at Page No. 66 to the Petition.

5. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said male minor has been placed on record at page Nos. 99-104 to the Petition.

6. The Minutes of Adoption Committee meeting held on 28<sup>th</sup> July 2023 have been placed on record at page No. 85 to the Petition. The Committee has decided that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. The Medical Report of the Prospective Adoptive Parents dated 13 August 2023 states, “they do not suffer from any chronic contagious or fatal disease and they are fit to adopt the child”. Their HIV (I & II) and HbsAg test Reports certify the case as Negative. The said Reports have been placed on record at page Nos.31-35 to the Petition.

8. The Prospective Adoptive Father is working as a Copy Editor (contractual engage) in DD News with Prasar Bharati and his

monthly (March-2023) gross salary is Rs.97,363/-. The salary certificate and Income Tax Returns have been placed on record at page Nos.36-39 to the Petition.

9. The Prospective Adoptive Mother is working as a PGT in the Department of Secondary Education, Government of Tripura since 2017 and her monthly (March-2023) gross salary is Rs.45,191/-. Her pay slip and Form No.16 have been placed on record at page Nos.40-42 to the Petition.

10. The copies of PAN card and supportive financial documents have been placed on record at page Nos.24, 26 and 43-47 to the Petition. The proof of residence (passport copy) has been placed on record at page No.35a to the Petition.

11. The child care arrangement plan undertaken by the mother of the Prospective Adoptive Father has been placed on record at page Nos.67-69 to the Petition.

12. The Home Study Report Part I : Self Assessment by the Prospective Adoptive Parents has been placed on record at page

Nos.48-51 & 54-61 to the Petition.

13. The Home Study Report Part II : Assessment Reports dated 21<sup>st</sup> September 2019 and 11<sup>th</sup> September 2022 of the Authorities of “State Adoption Resource Authority”, Tripura have found the Prospective Adoptive Parents suitable for adopting a child. The said Reports have been placed on record at page Nos.52-53 & 62-65 to the Petition.

14. The child security undertaking dated 19<sup>th</sup> August 2023 given by the Prospective Adoptive Mother’s sister and brother-in-law residing at Gurugram, Haryana to look after the said male minor in case of any mishap to the Prospective Adoptive Parents has been placed on record at page Nos.70-73 to the Petition.

15. The pre-adoption foster care undertaking dated 22<sup>nd</sup> July 2023 has been placed on record at page Nos.92-93 to the Petition.

16. The Declaration of consent and willingness to adopt by the Prospective Adoptive Parents states that they are willing to be appointed as the Adoptive Parents of the said male minor. The said

declaration has been placed on record at page Nos.94-95 to the Petition.

17. The Medical Examination of the said male minor dated 24<sup>th</sup> May 2023 states “Health status of the child : Normal child. Overall observations of the child: Up to now his overall development is within normal limits.” The Prospective Adoptive Parents have countersigned the said Report. The said Report has been placed on record at page Nos.77-83 to the Petition.

18. The HIV Report of the said male minor dated 21<sup>st</sup> January 2023 certifies the case as Negative. The said Report has been placed on record at page Nos.84 to the Petition.

19. The post card size photograph of the said male minor has been placed on record at page No.96 to the Petition.

20. As regards the change of name, the Proposed Adopters desire that the said male minor ‘**Ritanshu**’ be renamed as ‘**Shaswata Chakravartty**’.

21. The undertaking dated 25<sup>th</sup> November 2023 given by the authorities of Specialized Adoption Agency “Agartala Shishu Greha” ICCW, Agartala, Tripura for furnishing post adoption follow-up Reports has been placed on record at page No.98 to the Petition.

22. The Petitioner-Institution’s recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 5 July 2025.

23. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation of the Indian Council of Social Welfare dated 18<sup>th</sup> January 2024, which is taken on record and marked ‘x’ for identification.

24. Having considered the material on record as well as the Report/Representation dated 18<sup>th</sup> January 2024 of the Scrutiny Officer which is marked ‘x’, in my view, it would be in the interest of the said male minor, if he is adopted by the Prospective 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.**,<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*

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<sup>1</sup> Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)

*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 the circumstances, the Petition is allowed in terms of prayer clauses (a) to (e) which read thus;

- (a) For adoption of the Proposed male minor RITANSHU @ SHASWATA CHAKRAVARTTY born on 11<sup>th</sup> December 2022 by the Proposed Adopters under Juvenile Justice Act.

- (b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents

rights, privileges and responsibilities over the said minor SHASWATA CHAKRAVARTTY.

- (c) That the Proposed Adopters be granted permission to change the name of minor RITANSHU to SHASWATA CHAKRAVARTTY.
- (d) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor SHASWATA CHAKRAVARTTY, born on 11<sup>th</sup> December 2022 and stating thereon that the that the Prospective Adoptive Parents as the Parents of the said minor.
- (e) 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.

29. There is an undertaking of the Adoptive Parents in the

Judge's order to invest a sum of Rs.1,00,000/- in the name of 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 given to this Court.

30. The Judge's order is accepted and signed separately.

31. The Indian Adoption Petition is accordingly disposed of.

No order as to costs.

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

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KHADPE  
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signed by  
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