

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

INDIAN ADOPTION PETITION NO. 95 OF 2024
WITH
JUDGE'S ORDER NO. 149 OF 2024
IN
INDIAN ADOPTION PETITION NO. 95 OF 2024

St. Catherine's Home, Part of St.
Catherines Society

...Petitioner

And.

1. Mr. Prakash Jayram Narayankar
2. Mrs. Kamal Prakash Narayankar.

...Proposed Adoptive
Parents.

Mr. Rakesh K. L. Kapoor i/b. Ms. Rakesh K. L. Kapoor & Co., for the
Petitioner.

Mr. O. Hareendran, Scrutiny Officer-ICW present.

Mr. Dilip S. Gurav, Chamber Registrar present.

CORAM : R. I. CHAGLA, J.

DATE : 04 DECEMBER 2024

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of male minor

Kripal (**‘the said male minor’**) born on 12th May 2024. The said male minor was surrendered by his birth mother before the Child Welfare Committee (CWC), Mumbai Suburban-II on 12th June 2024 and admitted to the Petitioner Institution on the same day as per the order of the said CWC, Suburban-II dated 12th June 2024 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (**‘the said Act’**). The Admission Order of the CWC is on record at page No. 22 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai Suburban-II declared the said male minor **“Free for Adoption”** on 14th August 2024. The Free for Adoption Order is on record at page No. 21 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Dharavi, Mumbai aged about 43 and 37 years respectively. They have been married for the past 17 years (29th April 2007) with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 32 to the Petition.

5. The Minutes of Adoption Committee Meeting held on

1st October, 2024 is on record page Nos. 19-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

6. The Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the said male minor is on record at page Nos. 102-106 to the Petition.

7. The Medical Report of the Prospective Adoptive Parents dated 4th October 2024 states that both are physically fit. The HIV I & II and Hepatitis B test reports certify the case as Negative. These reports are on record at page nos. 26-31 to the Petition.

8. The Prospective Adoptive Father is working as a Technician with S.L. Raheja Hospital, Mahim, Mumbai since 2011 and his monthly (September-2024) gross salary is Rs. 37,402/-. His Pay slips, Form No. 16 and Income Tax returns are on record at page Nos. 42-57 to the Petition. The Prospective Adoptive mother is a Homemaker.

9. The Proof of Residence, copies of Pan Cards and other supportive financial documents are on record at page Nos. 33-35 and 58-60 to the Petition.

10. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 61-68 to the Petition.

11. The Home Study Report Part II: Assessment report dated 06th September 2022 of the social worker of Specialized Adoption Agency “Shree Manav Seva Sangh”, Sion West, Mumbai has found the Prospective Adoptive Parents suitable for adopting a child. This Report is on record at page Nos. 69-72 to the Petition.

12. The child seeking undertaking dated 20th September 2024 given by the Prospective Adoptive Mother’s brother and sister-in-law residing at Dharavi, Mumbai to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 82-85 to the Petition.

13. The Medical Examination Report of the said male minor dated 29th August 2024 states, “Health Status: Normal. Overall Observation of the child Kripal has a good social smile and decent head holding. His routine 2DECHO and BERA screening is still pending”. The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at

page Nos. 89-98 to the Petition.

14. The HIV test report of the said male minor dated 20th June 2024 certifies the case as Negative. The said Report is on record at page No. 100 to the Petition.

15. The post Card Size Photograph of the said male minor is on record at page No. 101 to the Petition.

16. The Declaration of consent, willingness and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Adoptive Parents of the said male minor. This Declaration is on record at page Nos. 36-38 to the Petition.

17. The pre-adoption foster care undertaking dated 20th September 2024 is on record at page No. 39-41 to the Petition.

18. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor 'Kripal' be renamed as "Rudransh Prakash Narayankar".

19. The undertaking dated 20th September, 2024 given by the Specialized Adoption Agency "Shree Manav Seva Sangh",

Sion West, Mumbai for furnishing post adoption follow-up reports is on record at page No. 107 to the Petition.

20. The Petitioner Institution's recognition from the Women and Child Development, Maharashtra State to place children in adoption is valid for a period up to 5th May 2025.

21. Mr. O. Hareendran, Scrutiny Officer has tendered the Report/Representation of Indian Council of Social Welfare dated 19th November 2024 which is on record and marked "X" for identification.

22. Having considered the material on record as well as the report of the Scrutiny Officer marked "X", I am of the view that it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

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 this Court on 10th January, 2023 passed an interim order. The

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

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 clause (a) to (d), which reads thus:

- (a) *That the Prospective Adoptive Parents be given the said child **Rudransh Prakash Narayankar** 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 male minor **Rudransh Prakash Narayankar** 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 **Rudransh Prakash Narayankar**, born on **12/05/2024** and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.*
- (d) *That the Prospective Adoptive Parent be allowed to change the name of the minor from '**KRIPAL**' to "**Rudransh Prakash Narayankar**".*

26. 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 the Adopted Child. They further 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. These undertakings are accepted as undertakings to this Court.

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

28. The Indian Adoption Petition is accordingly disposed of.

There shall be no order as to costs.

[R. I. CHAGLA J.]

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