

Zeenat Pathan

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

INDIAN ADOPTION PETITION NO. 96 OF 2024

WITH

JUDGE'S ORDER NO. 150 OF 2024

IN

INDIAN ADOPTION PETITION NO. 96 OF 2024

1. Prem Apar Singh

2. Priyanka Kumar

...Petitioners

And

Kiara Amaris Kumar (Female Minor)

...Minor

Mr. Rakesh K.L. Kapoor i/by M/s Rakesh K.L. Kapoor & Co.,
Petitioners.

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

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

Ms. Priyanka Kumar Petitioner No.2 a/w Kiara Amaris Kumar
Adoptee present in Chamber.

CORAM : R.I. CHAGLA, J.

DATE : NOVEMBER 27, 2024.

ORDER :

1. By this Indian Adoption Petition, the Petitioners are
seeking adoption of the female minor Kiara Amaris Kumar ('the

said Adoptee’) who was born out of the wedlock on 01/02/2015 at Mumbai to one Ms. Nayantara Kumar, the younger sister of Ms. Priyanka Kumar, the Petitioner No. 2. The putative father refused to take on any responsibilities of the said Adoptee and left the mother and the child. Thereafter both the mother and her daughter (‘the said Adoptee’) stayed with the support of the Petitioner No.2. The said Adoptee has thereafter been looked after by the Petitioners and is well adjusted with them.

2. The Petitioners state that looking into the better future and ultimate welfare and well-being of the said Adoptee, they had filed a Guardianship Petition viz. Indian Guardianship Petition No.3 of 2023 in this Court with the consent of the biological mother. This Court allowed the said Petition on 09/11/2023. The said Guardianship order is on record at page Nos. 17-22 to the Petition.

3. The present Indian Adoption Petition is filed by the Petitioners as per the provisions of the Judgment dated 27/10/1999 of the then Hon’ble Justice Shri F.I. Rebello (2000

All MR Page.39) and the Judgment dated 22/04/2018 of the then Hon'ble Justice Shri G.S. Patel (Indian Adoption Petition No. 32 of 2018).

4. The Petitioners are Indian Nationals residing at Colaba, Mumbai, aged about 39 and 36 years respectively. They have been married for the past 8 years (03/10/2016) and have no biological children. The Medical Certificate of the Petitioners dated 10/10/2024 states that both are in good physical, medical and mental health. Their HIV and HBsAg test reports certify the case as Non-reactive. These reports are on record at Page Nos. 25-38 to the Petition.

5. The Petitioner No. 1 is self-employed (business of Stock Trading and Stock Training Courses) and his income for the Assessment Year 2024-25 is Rs. 4,54,290/-. His Income Affidavit and Income Tax returns are on record at Page Nos. 42-46 to the Petition.

6. The Petitioner No. 2 is working as a Senior Manager-Sales with Iksula Pvt. Ltd., Marol, Mumbai since August 2020

and her monthly (September-2024) gross salary is Rs. 2,21,128/-. Her Income Affidavit, Proof of Employment and Income Tax returns are on record at Page Nos. 47-57 to the Petition.

7. The Proof of Residence, PAN Card Copies and Supportive Financial documents are on record at Page Nos. 39-41 and 58-75 to the Petition.

8. As per this Court's direction dated 09/11/2023, the Petitioners had invested a sum of Rs. 99,975/- in the name of the said Adoptee in LIC's Single premium plan. The Policy Document dated 20/12/2023 is on record at Page Nos. 76-77 to the Petition.

9. The Home Study Report dated 16/10/2024 of the Petitioners by the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm is on record and the Social Worker found the Petitioners as suitable Adoptive Parents for the said Adoptee Kiara. The said Report is on record at Page Nos. 78-79 to the Petition.

10. The follow up report of the said female minor dated

16/10/2024 is on record at Page Nos. 80-81 to the Petition. It states, “Kiara is tall and well-built for her age, with short, thick brown hair. She is an active, cheerful and sociable child who loves meeting people and sharing her things. She adores her family and respects their guidance. She has adjusted well to her surroundings, and is comfortable around her biological mother whenever she comes in to pay a visit to the family. Overall, Kiara’s vibrant personality and adaptability make her a joyful presence in any environment”.

11. The Medical Report of the said Adoptee dated 12/10/2024 states “found her to be physically and mentally fit”. Her HIV and HBsAg test report certifies the case as Non-Reactive. These Reports are on record at Page Nos. 83-87 to the Petition.

12. The said Adoptee’s Latest Post Card Size Photograph and her consent letter are on record at Page Nos. 82 & 88 to the Petition.

13. The Recommendation letters in support of adoption of

the said Adoptee from close family friends are on record at Page Nos. 89-96 to the Petition.

14. Mr. O. Hareendran, Scrutiny Officer has tendered the Report/ Representation of the Indian Council of Social Welfare dated 22/11/2024. A conclusion has been arrived in the said Report based on the Guardianship Petition No.3 of 2023 allowed by this Court on 09/11/2023 in the favour of the Petitioners and the home visit report/progress report prepared by the Qualified Social Worker, that the said Adoptee Kiara is well integrated into the adoptive family.

15. The said Adoptee together with the Petitioner No. 2 is present at today's hearing. From the Interaction with the Petitioner No. 2 and the said Adoptee, I find that the said Adoptee has adjusted well with the Petitioners and that there is integration.

16. This Petition has been filed by the Petitioners for confirming the legal status as Adoptive Parents of the said Adoptee. Considering that the Adoptive Parents have already invested a sum of Rs. 99,975 in the name of the said Adoptee in LIC Single Premium Plan and that the Policy document is on record, there is no necessity to direct any further investment.

17. I have considered the material on record as well as the Report of the Scrutiny Officer marked “X”. In my view, it would be in the interest of the said Adoptee that she is adopted by the Petitioners.

18. In these circumstances, the Petition is allowed in terms of the prayer Clauses (a) to (c) of the Petition, which reads thus :

“(a) That this Hon’ble Court may be pleased to declare the Petitioners as Adoptive Parents of the said female minor Kiara Amaris Kumar, under the guardianship of the Petitioners Mr. Prem Apar Singh and Mrs. Priyanka Kumar.

(b) That the period of two years must elapse before the Court considers the Petition for adoption from the date the Court passes the order of Guardianship be waived off.

(c) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said female minor Kiara Amaris Kumar, born on

*01/02/2015 and stating that thereon that the
Petitioners Mr. Prem Apar Singh and Mrs.
Priyanka Kumar as the Parents of the said female
minor Kiara Amaris Kumar.”*

19. The Judge’s order is also accepted and separately signed.
20. The Indian Adoption Petition is accordingly disposed of.
21. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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