

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

INDIAN ADOPTION PETITION NO. 98 OF 2024
WITH
JUDGE'S ORDER NO. 154 OF 2024
IN
INDIAN ADOPTION PETITION NO. 98 OF 2024

Vatsalya Trust

...Petitioner

And

1. Mr. Hemant Chandrabhan Badge
2. Mrs. Pramila H Badge

... Proposed Adoptive
Parents.

Ms. Sangeeta Nagpal, for the petitioner.
Mr. O. Hareendran, Scrutiny Officer-ICSW, present.
Mr. Dilip S. Gurav, Chamber Registrar, present.

CORAM : R. I. CHAGLA, J.

DATE : 04th DECEMBER, 2024

ORDER :

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

Shrikant (“**the said male minor**”) born on 19th May 2023. The biological mother surrendered the said male minor before the Child Welfare Committee (CWC), Mumbai Suburban-II District on 23rd May 2023 and the child’s custody was given to the Petitioner Institution on the same day as per the order of the CWC dated 23rd May 2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“**the said Act**”). The Admission Order is on record at page No. 84 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 25th July 2023. The Free for Adoption Certificate is on record at page No. 81-82 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals, residing at Bhandara, Maharashtra aged about 43 and 42 years respectively. They have been married for the past 16 years (9th June 2008) with no biological children.

4. The Motivation Letter from the Proposed Adopters is on record at page No. 62 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 is on record at page Nos. 97-101 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 10th November 2023 is on record at page No 78 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. The Medical report of the Prospective Adoptive Parents dated 20th November 2023 states that they do not suffer from any contagious or fatal disease and fit to adopt the child. Their HIV & HbsAgh test reports certify the case as Negative. The said report is on record at page Nos. 32-37 to the Petition.

8. The Prospective Adoptive Father is working as an Electrician with Ordnance Factory, Bhandara since 2013 and his monthly (January-2024) gross salary is Rs. 62,122/-. His Appointment Letter, Pay Slip and Income Tax Returns are on record at Page Nos. 39-46 to the Petition. The Prospective Adoptive Mother is a Homemaker.

9. The copies of PAN card, Proof of Residence and supportive financial documents are on record at page Nos. 24, 26, 38 and 47-50 to the Petition.

10. The Home Study Report Part I: Self Assessment Report by the Prospective Adoptive Parents is on record at page Nos. 51-55 to the Petition.

11. The Home Study Report Part II: Assessment Reports dated 3rd October 2020 and 27th September 2024 of the Specialized Adoption Agency “Worldchildren Welfare Trust India” Bal Uday, Bhandara, Maharashtra have found the Prospective Adoptive Parents suitable for adopting a child. The said Home study reports are on record page Nos. 56-60-k to the Petition.

12. The child security undertaking dated 15th November 2023 given by Prospective Adoptive Mother's brother and sister-in-law residing at Kamptee, District Nagpur, Maharashtra to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at

page Nos. 63-66 to the Petition.

13. The pre-adoption foster care undertaking dated 19th December 2023 is on record at page Nos. 85-86 to the Petition.

14. The Joint Declaration of consent and willingness to adopt by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Adoptive Parents of the said male minor. The said declaration is on record at page No. 87 to the Petition.

15. The Medical Examination of said male minor dated 27th October 2023 states that "Health status of the child: Normal child. Overall observation of the child: Up to now his overall development is within normal limits". The Proposed Adopters have countersigned the said report which is on record at page Nos. 70-76 to the Petition.

16. The HIV report of the said male minor dated 5th October 2023 certifies the case as negative. This report is on record at page No. 77 to the Petition.

17. The post card size photograph of the said male minor is on record at page No.88 to the Petition.

18. As regards the change of name, the Proposed Adopters desire that the said male minor “Shrikant” be renamed as “Arnav Hemant Badge”.

19. The undertaking dated 27th September, 2024 given by the authorities of Specialized Adoption Agency “Worldchildren Welfare Trust India” Bal Uday, Bhandara, Maharashtra for furnishing post adoption follow-up reports is on record at page No. 90 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 05th July 2025.

21. Mr. O. Hareendran, Scrutiny Officer has tendered the reports/representation of Indian Council of Social Welfare dated 20th November 2024 which is taken 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 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 the present Petition.

25. In these circumstances, the Petition is allowed in terms of prayer clause (a) to (e), which reads thus:

(a) For adoption of the Proposed male minor baba **Shrikant @ ARNAV HEMANT BADGE** born on **19th May, 2023** by 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 Boy **ARNAV HEMANT BADGE**

- (c) *that the proposed adopters be granted permission to change the name of minor **SHRIKANT** to **ARNAV HEMANT BADGE***
- (d) *That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor **ARNAV HEMANT BADGE**, born on **19th MAY, 2023** and stating thereon 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.*

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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