

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

INDIAN ADOPTION PETITION NO. 99 OF 2024

WITH

JUDGE'S ORDER NO. 158 of 2024

IN

INDIAN ADOPTION PETITION NO. 99 OF 2024

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Vatsalya Trust, Mumbai

...Petitioner

And

**Rohan Vaman Bodas and Veronica
David Saundades**

**...Prospective
Adoptive Parents**

Ms. Sangeeta Nagpal for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer-ICSW, Present.

Mr. D.S. Gurav, Chamber Registrar, Present.

CORAM : R.I. CHAGLA J

DATE : 11th DECEMBER, 2024

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the Prospective Adoptive Parents have sought adoption of female minor Aadhya ('the said female

minor') born on 18th September, 2023. The biological mother surrendered the said female minor before the Child Welfare Committee (CWC), Mumbai Suburban District on 26th September, 2023 and the child's custody was given to the Petitioner institution on the same day as per the order of the CWC dated 26th September, 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.140 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared the said female minor "Legally Free for Adoption" on 11th January, 2024. The Free for Adoption Certificate is on record at page No.137-138 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Kothrud, Pune, Maharashtra aged

about 37 years and 38 years respectively. They have been married for the past 11 years (30th December, 2013) with no biological children.

4. The Motivation Letter of the proposed Adopters is on record at page No.115 to the Petition.

5. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said female minor Aadhya is on record at page Nos.149-154 to the Petition.

6. The minutes of Adoption Committee Meetings held on 15th March, 2024 is on record at page No.134 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. The Medical report of the Prospective Adoptive Parents dated 23rd October, 2023 states that they are healthy and fit mentally and physically for adoption of a child. Their HIV and HBsAg test reports

certify the case as Non-reactive. The said reports are on record at page Nos.33-40 to the Petition.

8. The Prospective Adoptive Father is working as Senior Analyst-Credit Control and Risk Management with Searce India Private Limited, Pune since 10th July, 2023 and his monthly (January-2024) gross salary is Rs.76,034/-. The Appointment Order, Pay Slip and Form No.16 are on record at page Nos.42-44 and 49-58 to the Petition.

9. The Prospective Adoptive Mother is working as a Senior Trainer-BPS on U3 band with Tech Mahindra, Pune since 24th March, 2021 and her monthly (February-2024) gross salary is Rs.54,864/-. The Offer of Appointment, Pay Slip and Form No.16 are on record at page Nos.46-48 and 59-62 to the Petition.

10. The copies of Pan Card, Proof of Residence and supportive financial documents are on record at page Nos.24, 27, 41 and 63-68 to the Petition.

11. The childcare Arrangement Plan Declaration by the mother of the Prospective Adoptive Father is on record at page Nos.116-118 to the Petition.

12. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.69-77 and 89-98 to the Petition.

13. The Home Study Report Part II: Assessment Reports dated 2nd November, 2020 and 27th December, 2023 of the Specialized Adoption Agency “Bhartiya Samaj Seva Kendra” Pune, Maharashtra has found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.78-88 and 99-113 to the Petition.

14. The child security undertaking dated 12th March, 2024 given by the Prospective Adoptive Father’s cousin brother and sister-in-law residing at Pune, Maharashtra to look after the said female minor in case

of any mishap to the Prospective Adoptive Parents is on record at page Nos.119-122 to the Petition.

15. The Medical Examination Report of the said female minor dated 23rd February, 2024 states "Health status of the child: Normal child. Overall observations of the child: Up to now her overall mental and physical development is within normal limits". The prospective adoptive parents have countersigned the said Medical Examination Report, which is on record at page Nos.126-132 to the Petition.

16. The HIV report of the said female minor dated 6th February, 2024 certifies the case as Negative. This report is on record at Page No.133 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.146 to the Petition.

17. The Pre-adoption foster care undertaking dated 27th March, 2024 is on record at page Nos.141-143 to the Petition.

18. 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 female minor. The said declaration is on record at page Nos.144-145 to the Petition.

19. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor "Aadhya" be renamed as "Shresha Rohan Bodas".

20. The undertaking dated 25th March, 2024 given by the Specialized Adoption Agency "Bhartiya Samaj Seva Kendra" Pune, Maharashtra for furnishing post adoption follow-up reports is on record at page No.148 to the Petition.

21. The Petitioner institution's recognition from the Women and Child Development, Maharashtra State

to place children in adoption is valid up to 5th July, 2025.

22. Mr. O. Hareendran, Scrutiny Officer has tendered the report/representation of the Indian Council of Social Welfare dated 4th December, 2024, which is taken on record and marked 'X' for identification.

23. Having considered the material on record as well as report of the Scrutiny Officer Mr. O. Hareendran dated 4th December, 2024, which is marked as 'X' for identification, I am of the view that it would be in the interest of said female minor child that she is adopted by the proposed adopters.

24. 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

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

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."

25. Hence, it is clear that this Court can consider and dispose of the present Petition.

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

"(a) For the Adoption of the Proposed female minor AADHYA @ SHRESHA ROHAN BODAS, born on 18th September, 2023 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 boy SHRESHA ROHAN BODAS.

(c) That the Proposed Adopters be granted permission to change the name of minor AADHYA to SHRESHA ROHAN BODAS.

(d) That the concerned Municipal Authority/ Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of said minor SHRESHA ROHAN BODAS, born on 18th September, 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 his Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required."

27. There is an undertaking of the Adoptive Parents in the Judge's Order to invest a sum of Rs.1,00,000/- (Rupees One Lakh Only) in the name of Adopted Child. Further there is an undertaking not to withdraw this investment until the Adopted Child attains majority. The Adoptive Parent has agreed to handover investment receipts to the Adopted Child on her becoming a major. This undertaking is accepted as an undertaking to this Court.

28. The Judge's Order is also accepted and signed separately.

29. The Indian Adoption Petition is accordingly disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]

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