

Sharada

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

INDIAN ADOPTION PETITION NO. 80 OF 2024

WITH

JUDGE'S ORDER NO.124 OF 2024

IN

INDIAN ADOPTION PETITION NO. 80 OF 2024

Bal Asha Trust

...Petitioner

And

Mr.Vijay Bhijaji Bhor
Mrs. Rajashree Vijay Bhor

...Prospective
Adoptive Parents

Mr. Rakesh Kapoor i.by Mr. Rakesh K. Kapoor, Advocate for the
Petitioner.

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

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

Mr.Vijay Bhijaji Bhor- Petitioner No.1 and Mrs. Rajashree Vijay Bhor-
Petitioner No.2 and Kum. Ritesh Vijay Bhor – Male minor are present
in Chamber.

Ms. Angel Aloor, social worker present.

CORAM : R.I. CHAGLA, J.

DATE : 4TH SEPTEMBER 2024

ORDER :

1. By this Indian Adoption Petition the Petitioner and the Prospective Adoptive Parents have sought adoption of the male minor Ritesh Prakash Pimple (“**the said male minor**”) born on 10/12/2011. He was found abandoned by the Wadala Railway Police Station on 20/06/2017, and admitted to Shraddhanand Mahilashram, Matunga on the same day, and thereafter admitted to Guild of Service Bombay from 02/05/2018 to 18/01/2022. The said male minor was then admitted to the Petitioner institution on 18/01/2022 and on 19/01/2022 through its order, the Child Welfare Committee (CWC), Mumbai City-II recognized that admission 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.26 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai City II declared the said male minor “Legally Free for Adoption” on 23/06/2022. The Free for Adoption Certificate is on record at page Nos.24-25 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals,

residing at Kalwa, Thane, aged about 52 and 51 years respectively. They have been married for the past 19 years (11/05/2005) with no biological children.

4. The Motivation Letter from the Proposed Adoptive Parents is on record at page No.36 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.111-115 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 18/04/2024 and 03/05/2024 are on record at page Nos.19-23 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. The Health Reports dated 06/01/2024 of the Prospective Adoptive Parents are on record and state, "They do not have any physical or mental condition which would impair their ability to take care for an adoptive child. The Prospective Adoptive mother is a case of locomotor disability and the diagnosis in her case is PPRP Left Lower limp". Their HIV and HBsAg test reports certify the case as Negative. These reports are on record at page Nos.31-35 to the

Petition.

8. The Prospective Adoptive Father is self-employed (Real Estate Agent) since 1997 and earns about Rs.2,75,000/- per annum. His Income Affidavit is on record at Page Nos.45-45A..

9. The Prospective Adoptive Mother is working as a Steno with Maharashtra State Social Welfare Board, Mumbai since 2004 and her monthly (September-2023) gross salary is Rs.81,412/-. Her Pay Slips and Form No.16 are on record at page Nos.46-60 to the Petition.

10. Proof of Residence, Pan Card copies and supportive financial documents are on record at page Nos.37-39 & 61-64 to the Petition.

11. The Childcare Plan statement of the Prospective Adoptive mother is on record at page No.65 to the Petition.

12. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.66-72 to the Petition.

13. The Home Study Report Part II : Assessment Reports dated 19/01/2024 and 24/04/2024 by the Social Worker of Specialized

Adoption Agency “Janani Ashish Charitable Trust” Dombivli, Dist. Thane, have found the Prospective Adoptive Parents suitable for adopting a child. The said reports are on record at page Nos.73-83 to the Petition.

14. The child security undertaking dated 12/04/2024 by the Prospective Adoptive mother’s brother and sister-in-law residing at Kalwa, Dist. Thane to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.91-94 to the Petition.

15. The Medical Examination Report of the said male minor dated 30/01/2024 states, “Health Status: Normal. Overall Observation of the child: Ritesh is friendly boy. He has not suffered from any major illness needing hospitalization and is currently disease free”. The Prospective Adoptive Parents have countersigned the said Report which is on record at page Nos.97-103 to the Petition.

16. The Report of Psychological Testing of the said male minor dated 14/12/2023 is on record and it states that he has average intellectual and social functioning. His language, speech and hearing report of January 2024 states he has no significant delay in language acquisition. The Prospective Adoptive Parents have countersigned

these reports, which are at page Nos.104-107 to the Petition.

17. The HIV report of the said minor dated 14/06/2023 certifies the case as Non Reactive. The said report is on record at page N0.109 to the Petition. Post Card Size Photograph of the said male minor is on record at page No.110 to the Petition.

18. The Declaration of consent and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as Adoptive Parents of the said male minor. The said Declaration is on record at page No.40-41 to the Petition.

19. The Pre-adoption foster care undertaking dated 25/04/2024 is on record at page Nos.42-44 to the Petition.

20. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor “Ritesh Prakash Pimple” be renamed as “Ritesh Vijay Bhor”.

21. The undertaking dated 17/04/2024 given by the Specialized Adoption Agency “Janani Ashish Charitable Trust” Dombivli, Dist. Thane for furnishing post adoption follow-up reports is on record at page No.116 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 upto 05/05/2025.

23. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 14/08/2024 which is taken on record and marked 'X' for identification.

24. Having considered the material on record as well as the Report of the Scrutiny Officer dated 14/08/2024 marked 'X', in my view, it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

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.,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."

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

27. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (d) of the Petition, which read thus:-

(a) “That the Prospective Adoptive Parents be given the said child in Adoption be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor Ritesh Vijay Bhor.

(b) 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.

(c) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Ritesh Vijay Bhor born on 10/12/2022 and stating that thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to Change the name of the minor from ‘Ritesh Prakash Pimple’ to “Ritesh Vijay Bhor”.

28. In the Judge’s Order there is an undertaking of the Adoptive Parents to invest an amount of Rs.1,00,000/- (Rupees One Lakh only) in the Adopted Child’s name. They also undertake not to withdraw this investment till the Adopted Child attains majority. They have

agreed to handover the investment receipt to the Adopted Child on his becoming a major. These undertakings are accepted as undertakings to this Court.

29. The Judge's Order is also accepted and separately signed.
30. The Indian Adoption Petition is accordingly disposed of.
31. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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