

MAHARASHTRA STATE WOMEN'S COUNCIL)
ADOPTION GROUP)...PETITIONER

AND

1) JUAN PEDRO RUIZ GARCIA)
)...PROPOSED
2) ANTONIA HORTA OJEDA)ADOPTIVE PARENTS

Ms.Dipal S. Mehta, Advocate for the Petitioner.

Mr.O. Harindran, Scrutiny Officer, ICSW, present in Chamber.

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

Mrs.Ujwala Ashtankar, Social Worker, present in Chamber.

CORAM : ABHAY AHUJA, J.

DATE : 16th JANUARY 2025
(IN CHAMBER)

P.C. :

1. This Petition has been listed before this Bench in Chamber at 2.45 p.m. seeking following reliefs :

(a) This Hon'ble Court may be pleased to appoint the proposed adoptive parents as the parents of the male minor, Swaraj now in the care of the Maharashtra State Women's Council Adoption

Group, Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi,
Mumbai - 400 009,

- (b) That the proposed adoptive parents be allowed to change the name of the minor, from 'Swaraj' to any other name if required,
- (c) That the proposed adoptive parents may be granted leave to remove the aforesaid child, Swaraj from the jurisdiction of this Hon'ble Court and to take the minor out of India along with them, to their home i.e. wherever they may require him to,
- (d) That the Petitioner be granted leave to apply to the concerned Municipal Authorities to issue a Birth Certificate of male minor 'Swaraj' showing the names of the proposed adoptive parents as his parents,
- (e) That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor 'Swaraj' within five working days from the date of application of the Petitioner, as per the provisions of sub-regulation 15 of the Adoption Regulations 18 and Regulation 36,
- (f) The concerned Regional Passport Office may be directed to issue Passport for the said 'Swaraj' within ten days from the date of application, as per Sub-Regulation (4) of Regulation 18 and Regulation 38.

2. Ms.Deepal Mehta, learned Counsel, appearing for the Petitioner as well as for the prospective adoptive parents has taken me through the various approvals and reports.

3. Mr.Hareendran for the Indian Council of Social Welfare (“ICSW”) is present and has also taken me through the representation dated 9th January 2025 of the ICSW which contains a chronology of all the approvals and reports necessary for foreign adoption with a request to consider the same before passing the final order.

4. Mrs.Ujwala Ashtankar, Social Worker attached to the Petitioner group is present along with the adoptive child Swaraj who is in the care of a maid from the Petitioner institution.

5. I have heard Ms.Mehta and also perused the various approvals and reports annexed to the Petition as well as the representation of the ICSW. I have also observed that the adoptive child is a very quiet and pleasant personality.

6. It is, however, observed from the medical reports of the adoptive child that the adoptive child suffers from a congenital heart disease /

cardiac disorder commonly known as hole in the heart (page 101) as well as Dolichocephaly which involves a long head and weak bones (page 100) and related motor nerve issues. Ms.Mehta has also drawn my attention to the acknowledgment by the prospective parents of the adoptive child's Medical report (page 104) and the acceptance of the same and also a Physiotherapist's report (page 106) of the child when he was 7 months which suggests that the child was under physiotherapy for two months and has achieved certain motor milestones. The said report has also been acknowledged by the prospective parents.

7. It has been stated in the Petition as well as in the various reports that the child is a child with special needs.

8. There is no doubt that the prospective parents are very eager to adopt Swaraj. However, in view of the special needs of the child, I am of the view that for assessing the welfare of the child, an interaction with the prospective parents through video conferencing on a mutually convenient date and time would be necessary so that the suitability of the prospective parents to adopt this child with special needs of the nature described in the Petition and also in the Medical reports can be

ascertained. It is also expected that a responsible person from the Spanish agency viz. Children Without Frontiers also remains present on the video call to address queries that may be raised by this Court.

9. Accordingly, list on **30th January 2025**. Liberty to apply.

(ABHAY AHUJA, J.)

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