

Sharada

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

JUDGE'S ORDER NO.153 OF 2024

WITH

JUDGE'S ORDER NO.156 OF 2024

WITH

JUDGE'S ORDER NO.157 OF 2024

IN

FOREIGN ADOPTION PETITION NO.29 OF 2024

Janani Ashish Charitable Trust

...Petitioner

And

Mr. Arjeet Kaushik Gattu and
Mrs. Aartee Deshpande

...Proposed Adoptive
Parents.

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

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

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

CORAM : R.I. CHAGLA, J.

DATE : 18TH JUNE 2025

ORDER :

1. An Affidavit for Annulment dated 30th April, 2025, which is

tendered by Mr. Rakesh Kapoor, learned Counsel for the Petition and Adoptive Parents and taken on record. By the Affidavit for Annulment filed in the Petitioner has disposed of Foreign Adoption Petition supported of the application of the Prospective Adoptive Parents for annulment of the adoption order dated 4th December, 2024 passed by this Court. Further direction is sought to the Central Adoption Resource Authority (CARA) to re-register the said Children as “Free for Adoption” for identifying suitable Prospective Adoptive Parents at the earliest.

2. By the said Adoption order dated 4th December, 2024 the Mr. Arijeet Kaushik Gattuan, American National of Indian Origin (OCI Card holder) and Mrs. Aartee Deshpande, an Indian National, both residing at Massachusetts, U.S.A., were appointed as the Adoptive Parents of the above Adopted female minors (siblings). The said order is on record at page Nos.8 to 18 in the Affidavit for Annulment.

3. The Adoptive Parents before taking the Adopted female minors to the U.S.A., began feeling increasingly overwhelmed by the past trauma that the Adopted female minors had undergone when they narrated the physical abuse that their birth mother was subjected to by their birth father and their rage and hatred towards a ‘father figure’. The Adoptive Parents considered this an impediment for their accepting the Adoptive

father as their care taker and father. The Adoptive Parents have mentioned these incidents of unacceptable behaviour of the said Adopted female minors in their joint Affidavit which is Annexed as Exhibit-‘B’ from page Nos.19 to 23 to the Affidavit for Annulment.

4. The petitioner was immediately made aware of the behavioral issues of the Adopted female minors by the Adoptive Parents. Further, on 17th December 2024, the Adoptive Parents had arranged a Video Counselling session with Ms. Radha Negesh, Counsellor, Viveka Counselling Centre, Bengaluru to understand and resolve the behaviour issues of the Adopted female minors. After the said counselling session, the said counsellor had filed a report dated 26th December 2024 wherein it is inter alia stated that “it is highly recommended that the 3 siblings are moved out of the family on an urgent basis a misinterpretation of a nurturing touch can be disastrous for the child and violation of General Principles of care and protection of Children”. The said report has been annexed as Exhibit- ‘C’/ page Nos.24-26 to the Affidavit for Annulment.

5. There is a report which has been annexed at Exhibit ‘D’ to the Affidavit for Annulment at Page Nos.27-28 of Dr. Mridula Apte, Senior Clinical Psychologist, Founder & director of Vidula Psychological Consultancy, Pune. It has been recommended therein that the Adopted

children should undergo psychotherapy for the trauma that they have faced with regards to their biological parents and the Adoptive Parents feel uncertain and less confident to deal with the children and their trauma.

6. The Adoptive Parents had brought back the children to the Petitioner Institution on 29th December, 2024. The Petitioner Institution has prepared the Post Placement and dissolution follow up report dated 3rd January, 2025 which is annexed Exhibit “E”/ Pages 29 to 31 of the Affidavit for Annulment.

7. The Adoptive Parents left for their home in the USA on 8th February, 2025.

8. There is a also report by Ms. Kelly Smith, LICSW, family therapist, Concord, New Hampshire 03301 U.S.A. wherein, it is stated, inter alia “They went to India to adopt three children as prepared as they possibly could have been. They were incredibly responsible, thoughtful, planful and aware as they traveled to pick up the girls. They had been video calling with them for weeks prior to the travel”. Further the report states “they have also sought of professional support from myself and others in India regarding the extreme disclosures the girls were sharing, the intense clinical needs and overall, the safety of the girls and parents”. The report has been annexed at Exhibit “F”/ Page.32 to the Affidavit for

Annulment.

9. The Petitioner Institution has been taking the Adopted female minors for further counselling to understand their trauma and report dated 28th March, 2025 has been annexed at Exhibit “G”/ Pages.33 to 35 to the Affidavit for Annulment. It is recommended that therein that, the Adoptive Female Minors be provided nurturing environment; opportunities for cognitive stimulation; and progress needs to be monitored.

10. Mr. O. Hareendran, the Scrutiny Officer has tendered the Report / Representation from the Indian Council of Social Welfare (ICSW) dated 18th June, 2025 which is taken on record and marked ‘X’ for identification. In the said Report, the Scrutiny Officer has referred to the aforementioned facts stated in the Affidavit for Annulment as well as the prayer sought viz. For annulment of the order dated 4th December, 2024. It is opined that in the best interest of the said Adopted female minors (siblings) that (CARA) and the Petitioner Institution to commence the process of finding another adopted home for them in accordance with the procedure under the Adoption Regulation.

11. Having considered the abovementioned Affidavit for Annulment as well as the Report of the Scrutiny Officer marked ‘X’, in my view, it

would be in the interest of the Adopted female minors that the Adoption order of this Court dated 4th December, 2024 is annulled. Further, it would also in the best interest of the Adopted female minors that CARA re-registered the said children as “Free for Adoption” for identifying suitable Prospective Adoptive Parents at the earliest to provide them with nurturing environment and opportunities for cognitive stimulation. The progress needs to be monitored by CARA.

12. In that view of the matter, the Adoption order dated 4th December, 2024 is annulled. The Central Adoption Resource Authority is directed to re-register the said female minors as “Free for Adoption” for identifying suitable Prospective Adoptive Parents at the earliest.

13. Accordingly, the prayers sought for in the Affidavit of Annulment are granted in the above terms.

[R.I. CHAGLA, J.]

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