

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

IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 9 OF 2025

WITH

JUDGE'S ORDER NO. 19 OF 2025

IN

INDIAN ADOPTION PETITION NO. 9 OF 2025

VATSALYA TRUST

)... PETITIONER

AND

MR.KRUNAL ANIL SAGAR

)...PROSPECTIVE

MRS.NIDHI KRUNAL SAGAR

)ADOPTIVE PARENTS

Ms.Sangeeta A. Nagpal, Advocate for the Petitioner.

Mr.O. Hareendran, Scrutiny officer – ICSW, present.

Ms.Nanda Sangode, Social Worker, Vatsalya Trust, present.

Mr.Krunal Anil Sagar, Adoptive father present.

Mrs.Nidhi Krunal Sagar, Adoptive mother present.

Kumar Siddhant, Minor, present.

Mr. Dilip Gurav, Chamber Registrar, present.

CORAM : ABHAY AHUJA, J.

DATE : 27th MARCH 2025

(IN CAMERA IN VIDEO
CONFERENCE ROOM)

P.C. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a male minor named Siddhant born on 2nd

January 2024 by the Prospective Adoptive Parents. The male minor child was surrendered by his biological mother before the Child Welfare Committee (“CWC”), Mumbai Suburban District on 4th January 2024 and the child was admitted to the Petitioner Institution Vatsalya Trust, Mumbai on the same day as per the order of the CWC dated 4th January 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”).

2. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the said Act, the CWC, Mankhurd, District Mumbai, declared Siddhant “Legally Free for Adoption” on 7th May 2024.

3. The Prospective Adoptive Parents viz. Mr.Krunal Anil Sagar and Mrs.Nidhi Krunal Sagar (the “PAPs”) are Indian nationals, residing at Kandivali West, Mumbai, aged about 40 and 41 years respectively. They have been married for the past 13 years (12th March 2012) with no biological children. The Prospective Adoptive father is working as a Product Implementation Manager with RBL Bank Limited, Controlling Office, Mumbai, since August 2018 and his monthly (June 2024) gross salary is 1,23,377/-. The Prospective Adoptive mother is working as a Manager with Axis Bank Limited, Mumbai, since 1st March 2023 and her monthly (June 2024) gross salary is Rs.98,269/-.

4. Mr.O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 19th March 2025 of ICSW which contains a chronology of all the approvals and reports necessary for adoption with a request to consider the same before passing the final order. The said representation is taken on record and marked “X” for the purposes of identification. As per the Representation from the ICSW the Petitioner Institution’s recognition to place children in adoption is valid for a period up to 5th July 2025.

5. Ms.Sangeeta Nagpal, learned Counsel appearing for the Petitioner has taken me through the various approvals, reports, affidavits, declarations and undertakings as under :

Sr. No.	Date	Report/Affidavit/Declaration/Undertaking	Exhibit No.
1		Birth Certificates of Proposed Adopters respectively, Pan Card of the Adoptive Parents, Marriage Certificate, Character Certificates in respect of Adoptive Parents, medical Certificates including infertility report, Electricity Bill in respect of accommodation of the Prospective Adoptive Parents.	A
2		Salary Slips, Income Tax Returns of the Proposed Adopters and investments.	B

3	15.02.2021	Home Study Report, Photograph of Proposed Adopters/Parents, Motivation Letter of Adoptive Parents.	C
4	02.07.2024	Child Care Arrangement of Father of Prospective Adopter No.1 declaring that he is staying with Adoptive parents and will take care of a child when Adoptive Parents are away from home for their respective jobs.	D
5	02.07.2024	Undertaking of Brother and his wife of Proposed Adopter No.2 to take care of the child in case of any mishap of the Proposed Adopter and his wife.	E
6	26.07.2024 21.06.2024	Child Study Form, the Medical Report of the Child including HIV report, Minutes of Adoption Committee, recognition certification of Petitioner institution.	F
7	07.05.2024	Orders of Child Welfare Committee including the order of declaring child legally free for adoption.	G
8	02.07.2024	Pre-adoption Foster Care Agreement.	H
9	02.07.2024	Applicant's Consent Affidavit Name change letter, Post Card Size photograph of Minor.	I
10	27.06.2024	Undertaking of Vatsalya Trust, Mumbai, along with the Affidavit/Declaration of Adoptive Parents and Affidavit in Support of Social Worker of Vatsalya Trust, the Petitioner, Child Progress Report Report.	J

6. I have heard Ms.Sangeeta Nagpal and also perused the various approvals, reports, affidavits, declarations and undertakings annexed to the Petition as well as the representation of the ICSW and note that the Proposed Adoptive Parents are physically, clinically, mentally, financially, socially, psychologically and emotionally suitable to adopt

Siddhanth. The Home study report of the Specialized Adoption Agency “Bal Vikas (Shishu Welfare Trust of India)”, Malad, has also found the Prospective Adoptive Parents suitable for adopting a healthy male child between the age group of 0 to 2 years. The updated Home Study/Counselling Report and the Social Worker’s overall impression indicates that the Proposed Adoptive Parents are mentally and emotionally ready to take care of the child. The Proposed Adoptive Parents are down to earth parents and are very social and celebrate all the festivals with their extended family. The Pre-adoption follow up report of the Specialized Adoption Agency “Vatsalya Trust, Mumbai” reveals that the child has very well adjusted to the family members having been in their foster care since 2nd July 2024 and all family members are very happy with him. The child is growing well and his overall developmental is also good.

7. It is also noted that Siddhant is a normal child with no developmental milestone delays. The overall observation of the child reveals that his mental and physical development is within normal limits.

8. I have also interacted with the Prospective Adoptive Parents today and note their eagerness to adopt Siddhant who is under their

foster care since 2nd July 2024 without any complaints and are present with the adoptive child today and note a spontaneous bond between them. It is submitted by the PAPs that the Proposed Adoptive father's father stays with them and would assist them in taking care of the child. The Proposed Adoptive mother would be working from home so that she can be with the child and take care of him.

9. The Prospective Adoptive Parents also desire that the name of minor 'Siddhant' be changed to 'Avir'.

10. I am satisfied that it would be in Siddhant's interest and welfare that he is adopted by the Proposed Adoptive Parents as the adoption will secure his upbringing and future.

11. It does not appear to me that this is a case where any consideration has been given or agreed to be given in consideration for the adoption nor any material has been placed before me or brought to my notice to hold otherwise.

12. This Court has jurisdiction to consider and dispose of the present Petition in view of the order dated 10th January 2023 of this Court 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.

13. Ergo, the Petition is allowed in terms of prayer Clauses (a) to (e) which read thus :

(a) For adoption of the proposed minor Siddhant alias Avir Krunal Sagar born on 2nd January 2024 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 Avir Krunal Sagar.

(c) That the Proposed Adopters be granted permission to change the name of minor Siddhant to Avir Krunal Sagar.

(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Avir Krunal Sagar, born on 2nd January 2024 and stating thereon that the 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

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

to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.

14. The Judge's order is accepted and signed separately. 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 have also undertaken not to withdraw this investment till the adopted child attains majority and to hand over the investment receipt to the adopted child on his attaining majority.

15. The undertakings in the Petition and the Judge's Order are accepted as undertakings to this Court.

16. The Indian Adoption Petition accordingly stands allowed and is disposed as above.

(ABHAY AHUJA, J.)

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