

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

INDIAN ADOPTION PETITION NO. 13 OF 2025
WITH
JUDGE'S ORDER NO.16 OF 2025
IN
INDIAN ADOPTION PETITION NO.13 OF 2025

VATSALYA TRUST)...PETITIONER
AND
1. MR.ARJUN RAYCHAUDHURI)
2. MRS. MEGHA AGGARWAL)...PROSPECTIVE ADOPTERS

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

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

Ms.Anupama S. Dhuri-Social Worker is present.

Mr.Arjun Raychaudhuri-Adoptive Father and Ms.Megha Aggarwal-
Adoptive Mother along with Mahi alias Meera (minor) are present.

Mr.Dilip S. Gurav, Chamber Registrar is present.

CORAM : ABHAY AHUJA, J.
DATE : 8th MAY, 2025
(In Camera in mini conference room)

PC. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption by the Prospective Adoptive Parents of a female minor named Mahi born on 1st January, 2024.

2. Mahi is a Court committed child and was surrendered by her biological mother before the Child Welfare Committee (CWC), Mumbai Suburban District on 11th January, 2024 and the CWC admitted her to the Petitioner Institution by order of the same date under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”) for primary care and protection and the child’s safe custody.

3. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared Mahi “Legally Free for Adoption” on 23rd April, 2024.

4. The Prospective Adoptive Parents viz. Mr. Arjun Raychaudhuri and Mrs. Megha Aggarwal (the “PAPs”) are Indian nationals, residing at New Delhi, aged about 44 years and 43 years respectively. They have been married on 28th January, 2007, for the past 18 years with no biological children. The Prospective Adoptive father is a self-employed professional who works from home, providing independent consulting services to Apollo Global, a US based finance firm since 2021 and has an annually recurring contract of Rs.20 lacs per month and his income for the Assessment Year 2023-24 is Rs.2,36,94,240/-. The Prospective Adoptive Mother is a Founder and CEO of Leap Skills Academy Pvt.

Ltd., New Delhi since April, 2013 and her monthly (May-2024) gross salary is Rs.5,00,000/- and also works from home as she has flexible hours working as a CEO. The PAPs have a three Bedrooms flat in Delhi which is rented but they have their own home in London.

5. Mr. O.Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 25th April, 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.

6. Ms.Sangeeta A. 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	- 24-02-1981 07-05-1986 - 29-01-2007 20-06-2024	School/College leaving Certificate Birth Certificates of Prospective Adoptive Parents respectively Pancard of the Adoptive Parents Marriage Certificate Character/Reference Certificates of Adoptive Parents	A

	20-06-2024 17-05-2018	Medical Certificates of Prospective Adoptive Father and Mother Passport of Adoptive Prospective Adoptive Father	
2	30-09-2024 20-06-2024 May-2024 2023-2024 2022-2023 2021-2022	Employment Certificate of the Prospective Adoptive Father Employment Certificate of the Prospective Adoptive Mother Salary Slip Income Tax Returns of the Proposed Adopters and investments	B
3	26-11-2021 - 21-06-2024	Home Study Report Photograph of Proposed Adopters Motivation Letter of Adoptive Parents	C
4	20-06-2024	Child Care Arrangement of Sister of Prospective Adopter No.2 declaring that she is a sister of Prospective Adopter No.2 and stays with her and will take care of a child when the prospective adopters are away for their respective job	D
5	21-06-2024	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	03-07-2024 14-06-2024 20-05-2024 26-06-2024 06-07-2020	Child Study Report The Medical Report of the Child HIV report Minutes of Adoption Committee Recognition Certification of Petitioner's Institution	F
7	23-04-2024	Orders of Child Welfare Committee including the Order declaring child legally free for adoption.	G
8	20-06-2024	Pre-Adoption Foster Care Agreement	H
9	20-06-2024 - -	Applicant's Consent Affidavit Name Change Letter Post card Size Photograph of Minor	I
10	21-06-2024 29-11-2024	Undertaking of HOPE Foundation, Asharan Orphanage, Delhi Affidavit/Declaration of Petitioner	J

7. I have heard Ms.Sangeeta A. Nagpal, learned Counsel for the Petitioner and Mr. Hareendran, Scrutiny Officer, ICSW 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 PAPs are physically fit, mentally alert, financially sound and highly motivated and psychologically and emotionally suitable to adopt Mahi. Both the PAPs have given their consent.

8. The Home study report of the Specialized Adoption Agency “Hope Foundation”, New, Delhi, India has also recommend the PAPs for the adoption of a healthy female infant. The updated Home Study Report indicates that the PAPs have very good understanding with each other. That both are well educated and hold good values in life. The PAPs think that it is time for them to focus on building a family through adoption. They do not have any children from marriage. The PAPs seem to have an even temperament and they complement each other and understand the importance of disclosing the fact of adoption to the child sensitively and build the relationship on truth. That the PAPs are financially secure and are emotionally prepared to carry on with the adoption process. The social worker had recommend the PAPs for the adoption. The PAPs are prepared and are eager for adoption. They have in

their close friend's circle, other families who have adopted. The PAPs have good supportive group of adoptive parents in their friend circle. That they have discussed the matter with them and they appreciate the importance of being truthful to the adoptive child, and at the same time making the child feel secure and valued through their love.

9. Mahi was placed in the foster care of the PAPs on 20th June, 2024. The Post Adoption Follow-up Report dated 23rd January, 2025 of the Hope Foundation Ashran Orphanage ("HOPE") reveals that Mahi has become a lovely girl. That the child laughs and loves being with their dog and loves being outdoors. That the child already has started trying to walk and crawls around the entire house all day. The family of PAPs spent December in Goa with her and she was very happy. That socially the child loves being with people and other children. Mahi spends a lot of time with her cousins also. That the family has fallen in love with Mahi and her maternal grandparents come to see her at least twice in a week. Mahi's cousins also see her once every week. Mahi's paternal grandmother lives in Calcutta but visits Delhi every 2 months for 2 weeks to spend time with her. The child is loved by all.

10. The medical certificate of the PAPs indicate that they are not suffering from any physical or communicable disease and are in good

mental health suggesting that they have good health overall and have not suffered from any significant illness in the last many years. The medical report of Mahi indicates that she is a normal child. The overall observation of the child suggests that the child's development is a dynamic process and may show variation with time and at present up to now her overall mental and physical development is within normal limits.

11. I have also interacted with the PAPs today and note their eagerness to adopt Mahi, who has been in their foster care since 20th June, 2024 without any complaints and they are present with the adoptive child today. It is observed that the child is very comfortable with the PAPs. The PAP's affection for the child also appears natural. Also it has been submitted that the Proposed Adoptive Mother mostly works from home and has flexible hours being a CEO. That the sister of the Prospective Adoptive Mother and sister-in-law of Prospective Adoptive Father who is between jobs will take care of the minor when PAPs are away from home for work. It has been submitted that there is a full time nanny to help. That the Parents of the Prospective mother live close by and they are also ready to help.

12. The child security undertaking has been given by the sister and brother-in-law of the Prospective Adoptive Father, undertaking to take care of the child Mahi in case of any mishap to the PAPs.

13. Ergo, I am satisfied that it would be in Mahi's interest and welfare that she is adopted by the PAPs as the adoption will secure her upbringing and future.

14. 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.

15. 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 another vs. Union of India and Ors.*¹, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

16. The PAPs also desire that the name of minor "Mahi" be changed to "Meera Raychaudhuri".

17. Accordingly, the Petition is allowed in terms of prayer clauses (a) to (e), which reads thus :

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

“(a) For adoption of the Proposed female minor baby **Mahi @ Meera Raychaudhuri** born on **1st January, 2024** by 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 girl **1st January, 2024**.

(c) That the Proposed Adopters be granted permission to change the name of minor **Mahi to Meera Raychaudhuri**.

(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor **Meera Raychaudhuri**, born on **1st January, 2024** 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 this Hon’ble Court and to take the said minor out of the jurisdiction of this Hon’ble Court whenever required.”

18. 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.3,00,000/- 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 her attaining majority.

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

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

(ABHAY AHUJA, J.)

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