

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

INDIAN ADOPTION PETITION NO. 16 OF 2025
WITH
JUDGE'S ORDER NO. 25 OF 2025
IN
INDIAN ADOPTION PETITION NO. 16 OF 2025**

Vatsalya Trust And Mr.Nitin Eknath Raut and Mrs. Vijaya Nitin Raut	... Petitioner ...Prospective Adoptive Parents
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Ms. Arti Kulkarni, Advocate for the Petitioner.
Mr.O. Hareendran, Scrutiny officer – ICSW, present.
Mr.Nitin Eknath Raut, Adoptive father.
Mrs.Vijaya Nitin Raut, Adoptive mother.
Mast. Sparsh, Minor, present.
Ms.Lilavati Belvalkar-Social Worker-Vatsalya Trust, present.
Mr. Dilip Gurav, Chamber Registrar, present.

CORAM	:	ABHAY AHUJA, J.
DATE	:	27th MARCH, 2025

(IN CAMERA IN VIDEO CONFERENCE ROOM)

PC. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a male minor named Sparsh born on 1st December, 2023 by the Prospective Adoptive Parents.

2. The male minor child was admitted to the Petitioner Institution on 21st December, 2023 as per the order dated 21st December, 2023 of the Child Welfare Committee (“CWC”), Mumbai under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”). Thereafter, the biological mother executed a Deed of Surrender dated 21st December 2023 before the CWC, Mumbai Suburban District for the child’s future rehabilitation.

3. 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 the said minor Sparsh “Legally Free for Adoption” on 27th February, 2024.

4. The Prospective Adoptive Parents viz. Mr.Nitin Eknath Raut and Mrs. Vijaya Nitin Raut are Indian nationals, residing at Ulhasnagar, Thane, Maharashtra, respectively aged about 40 and 39 years. They have been married for the past 15 years (3rd April, 2010) with no biological children. The Prospective Adoptive father is self-employed, running his own food stall and also working as a part time Gym Personal Instructor and Trainer with Muscle Factory Unisex Gym, Ulhasnagar since 2019 and his total income for the assessment year

2024-25 is Rs. 6,00,210/-. The Prospective Adoptive mother is a homemaker.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 25th March, 2025 of the 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.

6. Ms. Kulkarni, 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	07-08-24	Copy of the decision of the Adoption Committee	A
2	27-02-24	Child Welfare Committee Orders	B
3	--	Proposed Adopters Proof of Age-Leaving Certificates, Marriage Certificate, Medical Certificate, HIV Reports and Motivation Letter of Adoptive Parents	C

4	--	Proof Residence PAN Card and Electricity Bill	D
5	06-08-24 05-08-24	Consent, Willingness and undertaking by the Prospective Adoptive Parents, Foster Care Agreement	E
6	2022-23	Indian Income Tax Return Acknowledgment of 1 st Prospective Adoptive Parent and Supportive financial documents	F
7	16-03-22 06-08-24 --- 05-08-24	Home Study Report, Reference Letters, Family Photograph and Undertaking by Relatives	G
8	13-08-24 13-08-24 --- 21-12-23 --- 19-11-24 11-05-24 06-07-20 06-08-24	Child Study Report, Medical Report, Name Change Letter, HIV Report, Post Card size Photograph of the minor, Applicant's Consent Affidavit, Resolution Letter, copy of certificate of recognition to to in Country Adoption and Undertaking by Agency	H

7. I have heard, Ms. Kulkarni, learned Counsel for the Petitioner and Mr. Hareendran, Scrutiny Officer 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, mentally, financially, socially and emotionally suitable to adopt Sparsh. The Home study report of the Specialized Adoption Agency "Janani Ashish Charitable Trust", Dombivali has also found the Prospective Adoptive Parents suitable for adopting a healthy male child between the age group of 0 - 2 years.

The updated Home Study/Counselling Report and the Social Worker's overall impression indicates that the Proposed Adoptive Parents are sensitive to and aware of child development, culture and adoption issues that may arise and can take a responsibility of a child and provide safe and conducive environment for him.

8. The Home Study Report starting at page 93 (Exhibit G) of the Home Visit on 16th March, 2022, records the attitude of the grand parents /extended family members / relations towards adoption as being more than happy and ready and welcome the child. That the grand parents are seeking love of their grand child. That the Prospective Adoptive Father claims to be a family person and his wife as a home maker and has stated that both will take care of the child in terms of time, joy and money. That when at work, the grand parents including retired father, wife and sister will always be available to take care of the child.

9. The Pre-adoption follow up report of the Specialized Adoption Agency "Janani Ashish Charitable Trust" reveals that the child is well developed, has good physical development and has good hand and eye coordination. The Child is an energetic, happy, friendly and social child

and responds to his name with smiles. His overall development seems to be good and as per his age. He is smart and overactive child.

10. It is also noted that Sparsh is a normal child with no developmental milestone delays. The overall observation of the child reveals that the child's development is a dynamic process and may show variation with time. That at present upto now his overall mental and physical development is within normal limits.

11. The post-placement report of the child dated 10th February, 2025 (page 136-A onwards) pursuant to his placement under the foster care of the Prospective Adoptive Parents since 16th July, 2024, suggests that the child is physically fit as per his age. That the child is well attached with the couple. He searches for his parents when he gets up from sleep. That he needs his mother around him when he is hungry and feels sleepy. That he shows happiness when his father goes to work as he gets bike ride with him. In his 14th months age child has started without support walking, he runs well, he started babbling. That he speaks few words like de, ghe, ghe, aai, pappa, baba, aaji, kaka. That he is friendly child and mixes well with all and that he does not have stranger feelings. Sparsh is not only attached to all the four family members, but also his cousin Swara.

12. I have also interacted with the Prospective Adoptive Parents today and note their enthusiasm to adopt Sparsh, who is under their foster care since 16th July, 2024 without any complaints and they are present with the adoptive child today.

13. The Prospective Adoptive Parents also desire that the name of minor 'Sparsh' be changed to 'Sparsh Vijaya Nitin Raut'.

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

15. 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.

16. 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.

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

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

“(a) That the Prospective adoptive Parents be given the said child in Adoption and be declared as parents with all parental legal rights, privileges and responsibilities over the said minor.

(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 Sparsh Vijaya Nitin Raut born on 01/12/2023 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 Sparsh to “Sparsh Vijaya Nitin Raut” born on 01/12/2023.”

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.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.

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 disposed as above.

(ABHAY AHUJA, J.)

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