

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

INDIAN ADOPTION PETITION NO. 8 OF 2025**

Sharad Suresh Gohil

**...Prospective Adoptive Father
(Petitioner No.1)**

And

Neha Sharad Gohil

**...Prospective Adoptive Mother
(Petitioner No.2)**

**WITH
JUDGE'S ORDER NO. 28 OF 2025**

Mr. Aurup Dasgupta with Ms. Darshika Hemnani and Ms Prapti Bhadra i/b Jhangiani, Narula & Associates for the Petitioners.

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

Mr. Dilip S Gurav, Chamber Registrar present.

Prospective Adoptive parents and female minor Twisha through VC present.

**CORAM : ABHAY AHUJA, J.
DATE : 20th MARCH, 2025.**

PC. :

1. This Petition has been filed as an Indian Adoption Petition although the proposed adoptive father, Mr. Sharad Suresh Gohil, the Petitioner No.1, is a British citizen holding an Overseas Citizen of India card.

2. The mother- Mrs. Neha Sharad Gohil is the Petitioner No.2 and the biological mother of female minor Trisha, who was born on 11th

August, 2010 at Ahmedabad to the Petitioner No.2 and one Mr. Ravi Gupta- the biological father of the said female minor.

3. The biological father and the biological mother of the Twisha have been divorced on 3rd May, 2016 under Section 13B(2) of the Hindu Marriage Act, 1955 and as per the terms of decree, the permanent and sole custody and exclusive parental rights and the legal guardianship of Twisha has remained with the biological mother viz. the Petitioner No.2 herein.

4. The Petitioner No.2 has remarried the Petitioner No.1-Mr. Sharad Suresh Gohil on 18th January, 2017 and since then, it has been submitted that Twisha is staying with them.

5. The biological father has relinquished and surrendered his natural right / claim to Twisha as per Regulation 52(2) and 55(2) of the Adoption Regulations, 2022 and the Petitioner No. 1 has also given given his consent to adopt Twisha.

6. Although under the Regulation 15 of the Adoption Regulations, 2022, the Non-resident Indian and Overseas Citizen of India card

holder prospective adoptive parents shall be treated at par with Indians living in India, however, the same is only with respect to the priority for adoption.

7. The Central Adoption Resource Authority (“CARA”) has by its communication dated 26th December, 2024, addressed to the Consular, High Commission of India, Singapore, where the Petitioners reside as on date, has reiterated its pre-agreement with the proposed adoption subject to the concerned Indian Diplomatic Mission consenting to the same.

8. Mr. Dasgupta, learned Counsel appearing for the Petitioners submits that pursuant to the said communication, his client has approached the Indian Diplomatic Mission in Singapore and the Indian Diplomatic Mission has by email dated 31st December, 2024 stated that the Petitioners will have to approach the District Child Protection Unit (“DCPU”) and complete the formalities and that after pre-approval, the next step would be to wait for the adoption order and that the High Commission of India has no role at this point.

9. Mr. Hareendran, has drawn this Court's attention to the process involved and submits that after the DCPU report, the CARA approval has been obtained, which also refers to the adoption as an inter-country adoption. That after the pre-approval letter issued by the CARA, the approval of the Authorised Foreign Adoption Agency ("AFAA") is required. Mr. Hareendran has submitted that in the case of inter-country adoption, it is the Indian High Commission, who has to furnish the home study /visit report/undertaking.

10. The Prospective Adoptive parents as well as Twisha are present online from Singapore.

11. Since Mr. Hareendran has raised an issue with regard to the report from Indian High Commission in Singapore and considering that this is an inter-country adoption, where the Petitioner No.1, who is a British national although holding an Overseas Citizen of India card, this Court directs that an appropriate home study report from the Indian High Commission in Singapore under the Adoption Regulations, 2022 be furnished to this Court, similar to the Foreign Adoption Matters. Also the Petitioners to consider the renumbering this Petition as a Foreign Adoption Petition.

12. List on **24th April, 2025.**

13. All to act an authenticated copy of this order.

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(ABHAY AHUJA, J.)

NIKITA
YOGESH
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