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

FOREIGN ADOPTION PETITION NO.11 OF 2025
WITH
JUDGE'S ORDER NO.81 OF 2025

JITENDRA
SHANKAR
NIJASURE
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NIJASURE
Date: 2025.08.25
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Janani Ashish Charitable Trust

...Petitioner

Versus

Enrico Negrini, Italian
Diana Spagnolini, Italian

...Proposed
Adopters

Mr. Rakesh K.L. Kapoor i/b. Mr. Rakesh K.L. Kapoor & Co. for the
Petitioner.

Mr. O. Hareendran, Scrutiny Officer is present.

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

CORAM : R.I. CHAGLA J.
DATE : 20TH AUGUST, 2025.

ORDER :

1. By this Foreign Adoption Petition, the Petitioner and the
Proposed Adopters have sought adoption of the male minor Bala
("the said male minor") born on 15th August, 2021. The said male
minor was admitted to the Petitioner Institution on 29th October,
2021 as per the order of the Child welfare Committee (CWC), Thane
dated 29th October, 2021 under the provisions of Juvenile Justice

(Care and Protection of Children) Act, 2015 (“the said Act”). Thereafter the biological parent(s) or the legal guardian executed a Deed of Surrender before the said CWC, Thane on 27th June, 2023 for the said male minor’s further rehabilitation. The Admission Order of the CWC is on record at page Nos. 18 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Thane declared the said male minor “Free for Adoption” on 11th September 2023. The Free for Adoption Certificate is on record at Page No. 17 to the Petition.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued its No Objection Certificate dated 13th March, 2025 to this adoption as per Adoption Regulations 2017 and Article 17 (c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption 1993. The said No Objection is on record at Page No. 25 to the Petition.

4. The Undertaking / Affidavit of the Petitioner Institution is on record at page Nos. 19-24 to the Petition.

5. The Proposed Adopters are Italian Nationals, residing at Medicina, Italy, aged about 45 and 42 years respectively, having been

married for the past 6 years (15th June, 2019) with no biological children.

6. The Prospective Adoptive Parents Joint Family Photograph and copies of Passport are on record at page Nos. **26-36** to the Petition.

7. The Medical Certificate dated 6th February, 2025 of the Prospective Adoptive Parents are on record and it states that they do not suffer from chronic, contagious or terminal diseases and they do not show physical or mental condition that can prevent them from taking care of a child. Their HIV and HBsAg Test Reports certify the case as Negative. These reports are on record at Page Nos. 48-89 to the Petition.

8. The Prospective Adoptive Father is Self-employed / Freelance as an Industrial Expert since 2003 and his income for the year 2023 was Euro 106,391. His Employment and Income Certificate and Income Tax Certificate are on record at Page Nos.90-96 & 104-112 to the Petition.

9. The Prospective Adoptive mother is a practicing Advocate (Freelance) since 2012 and her income for the Tax year

2023 was Euro 23,402. Her Employment and Income certificate and Income Tax Certificate are on record at Page Nos. 97-103 & 113-121 to the Petition.

10. The Property Certificate and proof of residence are on record at page Nos. 122-133 to the Petition.

11. The Childcare Arrangement Plan declaration by the Prospective Adoptive Parents is on record at page Nos.134-140 to the Petition.

12. The Home Study report dated 6th November, 2023 of the authorities of “I Bambini Dell’ Arcobaleno-Bambarco ONLUS” Roma, Italy has found the Prospective Adoptive Parents suitable for adopting a child. The said report is on record at page Nos. 141-156 to the Petition.

13. The Psychological Evaluation Report dated 9th October, 2023 of Dr. Elisa Del Grande, Psychologist Psychotherapist is on record at page Nos. 157-163 to the Petition. The report has found the Prospective Adoptive Parents suitable for adopting a child.

14. The Permission of the Receiving Country as per Article

5 /17 of the Hague Convention is on record at page Nos. 164-174 to the Petition.

15. The Child Security Undertaking dated 18th April, 2025 given by the Prospective Adoptive mother's sister and brother-in-law residing at Porto San Giorgio, Italy to look after the said male minor in case of any unforeseen mishap to the prospective adoptive parents is on record at Page Nos. 208-210 to the Petition.

16. The Medical Examination Reports dated 26th September, 2023 and 5th November, 2024 of the said male minor is on record at page Nos. 216-228 & 231-239 to the Petition and it states, "Status of the Child: Special Needs. Overall observation of the child: Bala is a happy and content child. He is seropositive for HIV 1 since June 2023. His developmental and behaviour skill are normal for age". The Prospective Adoptive Parents have countersigned these reports along with additional investigation reports.

17. The Psychological Test Report dated 30th July, 2024 is on record at page Nos.229-230 to the Petition and it states that his Social Quotient was found to be 92 indicating the said male minor child seems to have average social intelligence. The Prospective

Adoptive Parents have countersigned this report.

18. A separate Acceptance letter dated 18th April, 2025 of the Prospective Adoptive Parents and a letter dated 18th April, 2025 of Dr. Cristina Beltrami, Surgeon Specialist in Infections and Tropical diseases, Bologna, Italy certifying that in Italy the National Health System guarantees complete assistance to all its members who are HIV positive. This condition in fact enjoys a code of total exemption from co-payment of health care costs both for visits and diagnostic test, and for the drugs that must be taken every day to keep the infection under control. These letters are on record at page Nos. 240 to 250 to the Petition.

19. The HIV I & II report of the said male minor dated 27th July, 2024 certifies the case as Positive. This report is on record at page No. 258 to the Petition.

20. The Post Card size photograph of the male minor is on record at page No. 259 to the Petition.

21. As regards the change of name, the Prospective Adoptive

Parents desire that the male minor 'Bala' be renamed as "Bala Negrini".

22. The Declaration of willingness and undertaking of the Prospective Adoptive Parents is on record at page Nos. 260-265 to the Petition. It states that they are willing to adopt the said male minor. Further, they undertake to cooperate with the representative of the Authorized Foreign Adoption Agency (AFAA) for follow-up of the progress of the said male minor as required under the Adoption Regulations.

23. The Undertaking dated 18th November, 2024 of the Authorized Foreign Adoption Agency (AFAA) "I Bambini Dell' Arcobaleno-Bambarco ONLUS" Roma, Italy for furnishing post adoption follow-up reports of the said male minor and make alternative arrangements in case of disruption of the adoptive family is on record at page Nos. 266-268 to the Petition.

24. The General Power of Attorney dated 13th September, 2024 duly executed by the Proposed Adopters in favour of the Petitioner institution is on record at page Nos. **269-275** to the

Petition.

25. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 12th April, 2026.

26. Mr. O. Hareendran, the Scrutiny Officer has tendered the report / representation of the Indian Council of Social Welfare dated 18th August, 2025, which is taken on record and marked 'X' for identification.

27. Having considered the material on record as well as report of the Scrutiny Officer dated 18th August, 2025, which is marked 'X' for identification, I am of the view that it would be in the interest of said male minor child that he is adopted by the Proposed Adopters.

28. It is relevant to note here that in the case of ***Nisha Pradeep Pandya @ Nisha Amit Gor and Anr. Vs. Union of India and Ors.***¹ concerning challenge raised to the Juvenile Justice (Care and

¹ W.P.(L) No.32065 of 2022

Protection of Children) Amendment Act, 2021, passed an interim order dated 10th January, 2023. The relevant portion of the said order of Division Bench reads as follows :

“8. In the meantime, there will be an ad-interim order only until the next date in terms of prayer clauses (d), (e) and (f) of the petition which reads as follows:

(d) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to stay the effect, implementation and purport of the letter dated 30th September, 2022 issued by Respondent No.2;

e) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to direct the Respondents not to transfer pending adoption matters before the District Magistrates for adjudication.

(f) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to direct the Hon’ble Courts to continue with the adjudication of the adoption matters that are pending on their record and file.

9. Additionally, the safer and more prudent course of action would be to allow all matters to be placed before the learned Single Judge of this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided.”

29. Hence, it is clear that this Court can consider and dispose of the present Petition.

30. In these circumstances, the Petition is allowed in terms of prayer Clauses (a) to (e) of the Petition, which read thus:-

(a) For the Adoption of the proposed male minor Bala Negrini, born on 15th August, 2021 by the Proposed Adopters under Section 59 (7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopters as Adoptive Parents of the male minor Bala Negrini and having all parental rights, privileges and responsibilities over the said minor, now in the care and custody of the Petitioner institution Janani Ashish Charitable Trust, Dombivali, Thane.

(c) That the proposed adopters be allowed to change the name of the said minor Bala to Bala Negrini.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Bala Negrini, born on 15th August, 2021 and stating thereon that the Proposed Adopters are Parents of the said minor.

(e) That the Proposed Adopters may be granted leave to remove the said minor Bala Negrini from the jurisdiction of this Hon'ble Court and to take

the said minor to ITALY or wherever they may reside in future.

31. It is directed that the Petitioner Institution shall obtain a further undertaking from the Adoptive Parents that they shall not give the minor child for further adoption without the prior leave of this Court. Once this undertaking is obtained, the same shall be filed on the record of this Court.

32. The Foreign Adoption Petition is disposed of accordingly. There shall be no order as to costs.

33. The Judges Order is accepted and signed separately.

[R.I. CHAGLA J.]

Privacy warning : No part of this Order shall be uploaded on any public domain or portal without this Court's express permission.