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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.12 OF 2025
WITH
JUDGE'S ORDER NO.82 OF 2025

JITENDRA
SHANKAR
NIJASURE
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Shraddhanand Mahilashram

...Petitioner

Versus

Mr. Jerry Kurian Mathew and
Mrs. Jency Varughese Mathew

...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 Kunal
("the said male minor") born on 17th November, 2022. The said male
minor was admitted to the Petitioner Institution on 22nd November,

2022 as per the order of the Child welfare Committee (CWC), Thane dated 22nd November, 2022 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 10th January, 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, Mumbai City-II declared the said male minor “Legally Free for Adoption” on 21st March, 2023. The Free for adoption Certificate is on record at page Nos. 17 to the Petition.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 30th April, 2025 to this adoption as per Adoption Regulations 2022 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 Certificate is on record at Page No. 25 to the Petition.

4. The Undertaking / Affidavit by the Petitioner institution

is on record at page Nos. 19-24 to the Petition.

5. The Prospective Adoptive Parents are American Nationals of Indian origin (OCI Card holders), residing at Texas, U.S.A. both aged about 40 years. They have been married for the past 13 years (13th April, 2012) with no biological children. However, they have one Adopted daughter “Sneha” now aged about 8 years (DOB: 27th May, 2017) from India. Her adoption was finalized in the year 2020. Her Certificate of Citizenship, Medical Report, Consent Letter and follow-up report are on record at page Nos. 44-58 to the Petition.

6. The Motivation Letter of the Prospective Adoptive Parents is on record at page Nos. 76-78 to the Petition.

7. The Prospective Adoptive Parents Joint Family Photograph, Copies of Passport and OCI Card Certificate are on record at page Nos. 26-33 to the Petition.

8. The Medical report dated 27th February, 2025 of the Prospective Adoptive Parents states that there are no physical, mental or psychological unfavorable elements of the adoption application

which will affect the upbringing of the child. Their HIV and HBsAg Test Reports certify the case as Non-Reactive. These reports are at Page Nos. 59-75-A to the Petition.

9. The Prospective Adoptive Father is working as a Full Time Lead CT Technologist with Houston Methodist Hospital, USA since 17th February, 2003 and his annual income is \$145,600. His Employment & Income certificate is on record at page Nos. 79-81-A to the Petition.

10. The Prospective Adoptive mother is working as a Registered Nurse with the Michael E. DeBakey VA Medical Centre since 17th June, 2012 and her annual income is \$121,778. Her Employment & Income certificate is on record at page No. 82 to the Petition.

11. The U.S. Individual Income Tax Return-2024, Supportive financial documents and Residence Certificate are on record at page Nos.83-108 to the Petition.

12. The Childcare Plan Letter of the Prospective Adoptive

Parents is on record at page Nos. 109-112 to the Petition.

13. The Home Study Report dated 12th March, 2024 of authorities of “Lifeline Children’s Services” USA has found the Prospective Adoptive Parents suitable to adopt a medical special needs child between the age group of 0-6 years old male or female from India. The said Home Study Report is on record at page Nos. 113-129 to the Petition.

14. The Report of Psychological Evaluation dated 21st April, 2025 of the authorities of “The Adolescent Center”, Texas, USA is on record at page Nos. 130-141 to the Petition and it states that the Prospective Adoptive Parents present no psychological symptoms, which would impair their ability to parent. They are well-educated individuals who show great insight into Indian culture and have a strong, stable support system.

15. The Permission of the Receiving Country as per Article 5 / 17 of the Hague Convention is on record at page Nos. 142-145 to the Petition.

16. The Child Security Undertaking dated 28th March, 2025 given by the Prospective Adoptive father's brother and sister-in-law residing at Texas, USA to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 156-158 to the Petition.

17. The Medical Examination reports of the said male minor dated 6th September, 2024 and 26th March, 2025 state that the Health Status of the child is Special Need. He has Astigmatism with refractive error and bilateral small hyperemic discs, regular ophthalmologic follow-up and to wear refractive glasses 24 x 7. He is developmentally normal and is a happy child. The Prospective Adoptive Parents have countersigned these Reports which reports are on record at page Nos. 163-177 to the Petition.

18. The Medical Letter of the Prospective Adoptive Parents and by Dr. Sherlyn Saju of Largo Medical, USA regarding the medical needs to the said male minor is on record at page Nos. 178-181 to the Petition.

19. The H.I.V. Report of the said male minor dated 13th

April, 2023 certifies the case as Negative. This report is on record at page No. 185 to the Petition.

20. The Post Card Size Photograph of the said male minor is on record at page No.186 to the Petition.

21. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor 'Kunal' be renamed as "Brady Joe Mathew".

22. The consent, willingness and undertaking of the Prospective Adoptive Parents are on record and it states that they are willing to adopt the said male minor. They further undertake that they will allow personal visits by the representative of the Authorized Foreign Adoption Agency (AFAA) during post-adoption follow up. The said declaration is on record at page Nos.187-192 to the Petition.

23. The Undertaking dated 9th April, 2024 of the Authorized Foreign Adoption Agency (AFAA) "Lifeline Children's Services", U.S.A. to provide follow-up reports of the child and make alternative arrangements in case of disruption of the adoptive family is on record

at page Nos. 193-195 to the Petition.

24. The Power of Attorney dated 30th March, 2025 duly executed by the Prospective Adoptive Parents in favour of the Petitioner Institution is on record at page Nos. 196-198 to the Petition.

25. The Petitioner Institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 30th September, 2025.

26. Mr. O. Hareendran, the Scrutiny Officer, has tendered the report / representation of the Indian Council of Social Welfare dated 4th 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 4th 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 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.

¹ W.P.(L) No.32065 of 2022

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 minor Brady Joe Mathew Garcia, born on 17/11/2022 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 said minor Brady Joe Mathew and having all parental rights, privileges and responsibilities over the said minor, now in the care and custody of Shraddhanand Mahilashram, Shraddhanand Road, Matunga, Mumbai 400 019.

(c) That the proposed adopters be allowed to change the name of the minor 'KUNAL' to "Brady Joe Mathew".

(d) Leave/permission be granted to apply the

concerned Municipal Authorities to issue Birth Certificate of the said Male minor Brady Joe Mathew born on 17/11/2022 and showing the proposed adopters as Parents.

(e) That the Proposed Adopters may be granted leave to remove the said minor Brady Joe Mathew from the jurisdiction of this Hon'ble Court and to take the said minor to U.S.A. 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 said male 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.