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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. 13 OF 2025
WITH
JUDGE'S ORDER NO. 109 OF 2025

Shri Ganesh Shikshan Prasarkar Mandal,
Latur

...Petitioner

Versus

Mr. Andrew Clinton Bright
and
Mrs. Heather Kathleen Bright

...Proposed Adopters

Mr. Swapnil S. Dhage, Advocate for the Petitioner.

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

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

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 10th OCTOBER, 2025.

ORDER :

1. By this Foreign Adoption Petition, the Petitioner and the Proposed Adoptive Parents have sought adoption of the female minor Sujeta @ Gracelyn Kathleen Bright ("the said female minor") born on 25th October 2022.

2. The female minor Sujeta was surrendered by the biological mother before the Child Welfare Committee (CWC), Latur

on 09/01/2023 and the said minor's safe custody was given to the Petitioner institution Shri Ganesh Shikshan Prasarak Mandal, Latur on the same day as per the order of the said CWC, Latur dated 09/01/2023 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The safe custody order of the said CWC is on record at page No. 57 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee, Latur declared the said female minor Sujeta "Legally Free for Adoption" on 10/05/2024. The Free for Adoption Certificate is on record at page No.77 to the Petition.

4. The Central Adoption Resource Authority (CARA), New Delhi has issued its No Objection Certificate (dated 24/06/2025) 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. 132 to the Petition.

5. The Affidavit by the Authorized Representative of the Specialized Adoption Agency (Petitioner) in support of adoption of

the said female minor is on record at Page Nos. 225-229 to the Petition.

6. The Prospective Adoptive Parents are American Nationals, residing at Alabama,U.S.A. aged about 48 and 46 years respectively. They have been married for the past 16 years (16/05/2009) and have three biological children, two sons aged about 12 and 10 years and a daughter aged about 6 years respectively. Their Birth Certificates, Medical Certificates and Consent Letters are on record at page Nos.40-46, 149-160 & 203-207 to the Petition.

7. The Motivation Letter of the Prospective Adoptive Parents is on record at page Nos. 222 to the Petition.

8. The Prospective Adoptive Parents Passport copies and Joint family photograph are on record at page Nos. 28, 31 & 121-124 to the Petition.

9. The Medical Fitness Certificate dated 20/11/2024 of the Prospective Adoptive father is on record and it states that he does not suffer from any chronic, communicable, or terminal disease. He is

physically fit, with no known physical, mental, or psychological conditions that would affect his ability to raise a child. He was noted to have some elevated kidney levels. He was found to have a blockage at his UPJ (Ureteropelvic Junction) and had surgery on his kidney in 2018 to remove the blockage. His kidney labs have been stable. He is on no extra medications for his kidneys. His HIV and HBsAg test reports certify the case as Non Reactive. These reports are on record at Page Nos. 135-139 to the Petition.

10. The Medical Fitness Certificate dated 20/11/2024 of the Prospective Adoptive mother is on record and it states that she does not suffer from any chronic, communicable, or terminal disease. She is physically fit and there are no known physical, mental or psychological elements which will affect her ability to raise a child. Her HIV and HBsAg test reports certify the case as Non Reactive. These reports are on record at Page Nos. 143-146 to the Petition.

11. The prospective adoptive father is working as an Assistant Professor, Department of Surgery and Burn Director with USA Health University Hospital since August 2018 and his annual base salary is of \$402,363. His employment contract also provides a

clinical incentive compensation bonus based upon wRVUS. In 2023, he received a total of \$306,696 in bonus incentives. The Employment and Income Certificate is on record at page Nos.169 to the Petition.

12. The prospective adoptive mother is working as a Wound Care Physician/Surgeon as a part-time with ProHealth One, Denver, Colorado, USA since 2019 and her annual salary in 2023 was \$11,714. The Employment and Income Certificate is on record at page Nos. 166 to the Petition.

13. The Financial Statement, U.S. Individual Income Tax Return for the years 2021 to 2023 and Proof of Residence of the prospective adoptive parents are on record at page Nos.172-182 & 231-233 to the Petition.

14. The childcare arrangement plan statement of the prospective adoptive parents is on record at page No.224 to the Petition.

15. The Home study report dated 06/03/2025 of the authorities of "Children of the World, Inc." Alabama, U.S.A. is on record and the report has found the prospective adoptive parents

suitable for adopting a child of either gender, age range 2 years to 8 years of age, healthy or with mild to moderate medical special needs from the country of India. The said report is on record at page Nos. 103-117 to the Petition.

16. The Psychological Evaluation report dated 01/03/2025 of the authorities of “Center for Living Mindfully”, Alabama, USA is on record at page Nos. 126-131 to the Petition and the report has found the prospective Adoptive parents are sound individuals who will be able to provide for physical and emotional needs of their adopted child.

17. The Permission of the Receiving Country as per Article 5/17 of the Hague Convention is on record at page Nos. 80-82 to the Petition.

18. The child Security undertaking dated 13/03/2025 of the prospective adoptive father’s sister and brother-in-law residing at Florida, U.S.A. to take care of the said female minor in case of any unforeseen mishap to the proposed adopters is on record at page Nos. 194 to the Petition.

19. The Medical Examination Report of the said female minor dated 28/05/2024 is on record and it states “Health Status: Special Needs. Overall observation of the child: Underweight by age. Congenital Ocular disease with both eye nystagmus by birth. Cleft lip and palate operated. The prospective adoptive parents have countersigned this report which is at page Nos. 89-95.

20. The Medical Examination Report dated 05/06/2024 at Part E Special Needs condition of child by the Department of Pediatric,Vilasrao Deshmukh Government Medical College, Latur is on record at page Nos. 96-101 to the Petition and the report confirmed the status of the said female minor as Special Needs. The prospective adoptive parents have countersigned this report. The H.I.V. report of the said female minor dated 09/07/2025 certifies the case as Non-Reactive. The said report is on record at page No. 230 to the Petition. The Post Card size photograph of the said female minor is on record at page No.102.

21. The Declaration of consent and undertaking of the prospective adoptive parents is on record and it states that they are willing to adopt the said female minor. They further undertake that

they will allow personal visits by the Social Worker of the Authorized Foreign Adoption Agency for follow up of the progress of the child as required under the Adoption Regulations. The said Declaration and undertaking are on record at page Nos. 190-191 & 234 to the Petition.

22. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Sujeta' be renamed as "Gracelyn Kathleen Bright".

23. The undertaking of the Authorized Foreign Adoption Agency (AFAA) "Children of the World, INC." Alabama, U.S.A. to provide follow-up report of the child and make alternative arrangement in case of disruption of the adoptive family is on record at page No. 210-212 to the Petition.

24. The copy of General Power of Attorney dated 10/02/2025 duly executed by the prospective adoptive parents in favour the Petitioner institution is on record at page Nos. 73-74 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 30/09/2025. However, the Petitioner institution has applied for renewal and in the interregnum has filed this adoption petition under the provisions of Regulation 25 (4) & (5) of the Adoption Regulations 2022.

26. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 6th October, 2025 which is taken on record and marked 'X' for identification.

27. Having considered the material on record as well as the Representation of the Scrutiny Officer marked 'X' for identification, I am of the view that it would be in the interest of the said female minor child that she 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, a Division Bench of this Court passed an interim order dated 10th January, 2023. The relevant portion of the said order of the 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 (d) of the Petition, which read thus:-

“(a) The above-named Proposed Adoptive Parents may please to declared as parents of the said child for all Purposes allowed by the law and may be allowed to be taken to the country of their residence for upbringing the child as their own child;

(b) Be pleased to direct the Birth Certificate Issuing Authority The Registrar (Birth and Death) Latur City Municipal Corporation, Latur to issue a Birth Certificate for the said Child within five working days from the date of Application, as per the provisions of Sub-regulation (5) of regulations 18 and regulation 36;

(c) The Regional Passport Office (RPO) concerned may be Directed to issue Passport for the said child within 10 days From the date of application, as per sub-regulation (4) of regulation 18 and regulation 38;

(d) The female child namely ‘SUJETA’ be renamed as GRACELYN KATHLEEN BRIGHT;”.

31. It is directed that the Petitioner Institution shall obtain further undertaking from the adoptive parents that they shall not give the said female minor child for further adoption without prior leave of this Court and once this undertaking is obtained, the same shall be filed on the record of this Court.

32. The Judge’s Order is also accepted and signed separately.

33. Foreign Adoption Petition is accordingly disposed of.

There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

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