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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. 14 OF 2025
WITH
JUDGE'S ORDER NO. 117 OF 2025

St.Catherine S. Home

...Petitioner

Versus

Jasdeep Singh and Armeet Kaur

...Proposed Adopters

Mr.Rakesh K.L.Kapoor i/b M/s.Rakesh K.L.Kapoor and Co., for the
Petitioner.

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

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

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 7th NOVEMBER, 2025.

ORDER :

1. By this Foreign Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the male minor
Tathastu @ Waris Singh ("the said male minor") born on 4th October
2024.

2. The male minor Tathastu is born on 04/10/2024 and
was admitted to the Petitioner institution on 18/10/2024 as per the
order of the Child Welfare Committee (CWC) Mumbai Suburban-II

dated 18/10/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. Subsequently, the biological mother executed a Deed of Surrender before the said CWC on 25/10/2024 for the child's future rehabilitation. The Admission Order of the CWC is on record at page No. 19 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the Child Welfare Committee, Mumbai City-II declared the said male minor "Legally Free for Adoption" on 10/01/2025. The Free for adoption Certificate is on record at page Nos. 17 to the Petition.

4. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 03/09/2025 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. 26 to the Petition.

5. The undertaking/affidavit by the Petitioner institution is on record at page Nos. 19-25 to the Petition.

6. The Proposed Adopters are American Nationals of Indian origins (OCI Card holders), residing at Arizona, U.S.A. aged about 47 and 48 years respectively. They have been married for the past 11 years (07/03/2014) with no biological children. However, they have one adopted daughter “Virsa Kaur” now aged about 9 years (DOB: 24/12/2016) from Prayagraj, U.P. Her Adoption Order, Birth Certificate, Certificate of Citizenship, Medical Report and Consent Letter are on record at page Nos. 63-80 to the Petition.

7. The Prospective adoptive father was married earlier on 24/05/2006 and divorced on 23/11/2010 with no children. The prospective adoptive mother has married twice earlier on 18/11/2001 and 07/06/2004 and divorced on 02/06/2009 and 09/11/2010 respectively and have no issues from these marriages. The Divorce Decrees are on record at Page Nos. 53-62 to the Petition.

8. The Prospective Adoptive Parents Joint Family Photograph, Copies of Passport and OCI Card Certificate are on record at page Nos. 27-44 to the Petition.

9. The Medical report dated 07/06/2024 of the prospective adoptive parents is on record and it states that both are in good

physical and mental health and free of chronic, contagious or fatal disease. Their HIV and HBsAg Test Reports certify the case as Non-Reactive. These reports are at Page Nos. 81-94 to the Petition.

10. The Prospective Adoptive Father is working as an IT director (Dir Grid Modernization) with APS HR Service Team, Arizona, USA since 18/04/2011 and his current annual salary is \$215,922.86. His Employment & Income certificate is on record at page Nos. 95-97 to the Petition.

11. Prospective Adoptive mother is working as a Senior director, IT Population Health Applications with Banner Health, Arizona, USA since 19/11/2017 and her pay rate is 84.45 per hour (weekly 40 hours). Her Employment & Income certificate is on record at page No. 98-100 to the Petition. The Prospective Adoptive Parents joint Taxable income as per US Income Tax Return 2024 is \$438,752(Pg.107 to the Petition).

12. The U.S. Individual Income Tax Return-2022 to 2024, Declaration of Financial Status and Residence Certificate are on record at page Nos.101-117 to the Petition.

13. The Childcare Plan Letter of the Prospective Adoptive Parents and maternal grandparents are on record at page Nos. 118-119 to the Petition.

14. The home study report dated 20/06/2024 of authorities of “Building Arizona Families” USA has found the Prospective Adoptive Parents suitable to adopt up to two children of either gender from birth to four years of age from India who are healthy or who have mild to moderate health conditions. The said home study report is on record at page Nos. 120-138 to the Petition.

15. The Report of Psychological Evaluation dated 20/06/2024 of the authorities of “Center for Advanced Psychology”, Arizona, USA is on record at page Nos. 139-144 to the Petition and it states that the prospective adoptive parents have a high level of emotional and mental stability, maturity and coping resources. Moreover, they have previously demonstrated their ability to provide very good parenting to another adopted child, who had presented with significant medical issues, which they have navigated through very well. It further states that based on the clinical interviews and previous testing results, there is no evidence of psychopathology that

would prevent them from adopting and parenting another child.

16. The Permission of the Receiving Country as per Article 5/17 of the Hague Convention is on record at page Nos. 145-152 to the Petition.

17. The Child Security undertaking dated 18/06/2025 given by the Prospective adoptive father's brother and sister-in-law residing at California, USA to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 168-170 to the Petition.

18. The Medical Examination report of the said male minor dated 14/02/2025 is on record at page Nos. 171-188 to the Petition and it states, "Health Status of the child: Normal. Overall Observation of the child: He is growing well physically and neurologically. He has achieved most of his milestones expected for his age. All the screening tests including 2D ECHO and BERA within normal limits". The Prospective Adoptive Parents have countersigned this Report.

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

24/09/2025 certifies the case as Negative. This report is on record at page No. 191 to the Petition. The Post Card Size Photograph of the said male minor is on record at page No.192 to the Petition.

20. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor 'Tathastu' be renamed as "Waris Singh".

21. 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 at page Nos.193-196 to the Petition.

22. The undertaking dated 31/07/2025 of the Authorized Foreign Adoption Agency (AFAA) "Barker Adoption Foundation", 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. 197-198 to the Petition.

23. The Power of Attorney dated 24/07/2025 duly executed

by the Prospective Adoptive Parents in favour of the Petitioner institution is on record at page Nos. 199-202 to the Petition.

24. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period 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.

25. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 27th October, 2025 which is taken on record and marked 'X' for identification.

26. 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 male minor child that he is adopted by the Proposed Adopters.

27. 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, 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.”*

28. Hence, it is clear that this Court can consider and dispose

¹ WP(L) No.32065 of 2022

of the present Petition.

29. 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 Waris Singh, born on 04/10/2024 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 Waris Singh and having all parental rights, privileges and responsibilities over the said minor, now in the care and custody of the Petitioner institution St. Catherine’s Home, Veera Desai Road, Andheri West, Mumbai – 400 058.

(c) That the proposed adopters be allowed to change the name of the said minor Tathastu to Waris Singh.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Waris Singh, born on 04/10/2024 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 Waris Singh 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”.

30. It is directed that the Petitioner Institution shall obtain further undertaking from the adoptive parents that they shall not give the said male 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.

31. The Judge's Order is also accepted and signed separately.
32. Foreign Adoption Petition is accordingly disposed of.
There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

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