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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. 15 OF 2025
WITH
JUDGE'S ORDER NO. 120 OF 2025

Maharashtra State Women's Council ...Petitioner
Adoption Group

And

Mr. Antonio Ferrara and
Mrs. Cecilia Rutigliano ...Proposed Adopters

Ms. Deepal Sanjanwala Mehta for the Petitioner.
Ms. Vandana M. Chinchalkar, Scrutiny Officer, ICSW present.
Mr. Dilip S. Gurav, Chamber Registrar is present.

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 14th NOVEMBER, 2025.

ORDER :

1. By this Foreign Adoption Petition, the Petitioner and the Proposed Adoptive Parents have sought adoption of the female minor Krisha @ Krisha Ferrara ("the said female minor") born on 30th July, 2024.

2. The female minor Krisha, born on 30th July, 2024 was admitted to Asha Sadan Children's Home, Mumbai on 13th August,

2024 as per the order of the Child Welfare Committee (CWC), Mumbai City-II for primary care and protection. On 20th September, 2024 the biological mother executed a Deed of Surrender before the said CWC and the said female minor was transferred to the Petitioner institution on the same day as per the order of the said CWC dated 20th September, 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 for her future rehabilitation. The Safe Custody order and Transfer order of the said CWC is on record at page Nos.134-135 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 female minor “Legally Free for Adoption” on 3rd December, 2024. The Free for Adoption Certificate is on record at Page Nos. 139-141 to the Petition.

4. The Central Adoption Resource Authority (CARA), New Delhi has issued its No Objection Certificate (dated 8th September, 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 can be found at Page No. 147 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. 127-133 to the Petition.

6. The Prospective Adoptive Parents are Italian Nationals, residing at Prato, Italy aged about 42 and 43 years respectively. They have been married for the past 11 years (11th July, 2014) and have no biological/adopted children.

7. The Prospective Adoptive Parents Passport copies and Joint photograph are on record at page Nos. 59-66 & 126 to the Petition.

8. The Motivation Letter of the Prospective Adoptive Parents is on record at page Nos. 30-37 to the Petition.

9. The Medical Reports dated 23rd September, 2024 of the Prospective Adoptive Parents are on record and it states that the

health of the prospective adoptive parents do not disqualify them from parenting a child. Their HIV and HBsAg test reports certify the case as Negative. These reports can be found at Page Nos. 91-118 to the Petition.

10. The prospective adoptive father is working as an Inspector of the Carabinieri with the rank of Chief Marshal at the Ecological Operations Unit in Florence, Italy since 21st November, 2007 and his total income for the year 2024 is of Euro 41,784 (Rs. 41,54,687.58/-). His Employment/Income Declarations and Pay Slips are on record at page Nos. 240-283 to the Petition.

11. The prospective adoptive mother is a Freelancer in the publishing services sector since 1st February, 2015 and her income for the year 2024 is of Euro 9,977 (Rs. 7, 97,571.00/-). Her Income/Employment, Declaration and Income Tax Certificates are on record at page Nos. 284-307 to the Petition.

12. The Certificate of Residence and Declaration of Assets and Financial status of the prospective adoptive parents are on record at page No.67-78, 232-239 to the Petition.

13. The childcare arrangement plan undertaken by the prospective Adoptive parents is on record at page Nos. 321-326 to the Petition.

14. The Home study report dated 15th December, 2023 of the authorities of “Associazione Ariete Ets” Italy is on record and the report has found the prospective Adoptive parents suitable for adopting a child. The said report is at page Nos. 187-207 to the Petition.

15. The Psychological Evaluation report dated 26th April, 2023 of the authorities of Social Service and Immigration Municipality of Prato, Italy has found the prospective adoptive parents suitable for adoption of a child. The said report is on record at page Nos. 382-401 to the Petition.

16. The Permission of the Receiving Country as per Article 5/17 of the Hague Convention is on record at page Nos. 225-231 to the Petition.

17. The child Security undertaking dated 1st July, 2025 of the prospective adoptive mother's sister and brother-in-law residing

at Bari, Italy to take care of the said female minor in case of any unforeseen mishap to the proposed adopters is on record at page Nos. 327-338 to the Petition.

18. The Medical examination report of the said female minor dated 27th December, 2024 is on record and it states “Health Status: Special Needs. “Overall observation of the child: Physical and mental development normal for age. A case of Congenital Hypothyroidism. On treatment with Thyroxin”. The prospective adoptive parents have countersigned this report which is at page Nos. 158-173 to the Petition.

19. The Medical Examination Report dated 8th January, 2025 at Part E Special Needs condition of child by the Department of Pediatrics Sir J. J. Group of Hospitals, Mumbai is on record at page Nos. 174-180 to the Petition and the report confirmed the status of the said minor as Special Needs. The prospective adoptive parents have countersigned this report.

20. The H.I.V. report of the female minor dated 13th December, 2024 certifies the case as Non-Reactive. This report is on record at page No. 185 to the Petition.

21. The post card size photograph of the female minor is on record at page No.186 to the Petition.

22. As regards the change of name, the proposed Adopters desire that the female minor 'Krisha' be renamed as "Krisha Ferrara".

23. The Declaration of consent and undertaking of proposed adopters 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 representatives of the Authorized Foreign Adoption Agency for follow up of the progress of the child as required under the Adoption Regulations. The said Declaration/Undertaking is on record at page Nos. 355-370 to the Petition.

24. The undertaking dated 15th April, 2025 of the Authorized Foreign Adoption Agency (AFAA) "Associazione Ariete Ets", Italy 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. 371-376 to the Petition .

25. The copy of Power of Attorney dated 22th May, 2025

duly executed by the prospective adoptive parents in favour the Petitioner institution is on record at page Nos. 377-381 to the Petition.

26. The Petitioner institution's recognition from the Women Child Development, Maharashtra State to place children in adoption is valid for a period from 6th May, 2020 to 5th May, 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.

27. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 7th November, 2025 which is taken on record and marked 'X' for identification.

28. 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.

29. 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.”

¹ W.P.(L) No.32065 of 2022

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

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

“(a) This Hon’ble Court may be pleased to appoint the Proposed Adoptive Parents as the parents of the female minor, Krisha now in the care of Maharashtra State Women’s Council Asha Sadan Balgruh, Asha Sadan Marg, Umderkhadi, Mumbai-400 009,

(b) That the Proposed Adoptive Parents be allowed to change the name of the minor ‘Krisha’ to ‘Krisha Ferrara’,

(c) That the Proposed Adoptive Parent may be granted leave to remove the aforesaid child Krisha @ Krisha Ferrara from the jurisdiction of this Hon’ble Court and to take the minor out of India along with them, to their home i.e. wherever they may require her to,

(d) That the Petitioner be granted leave to apply to the Concerned Municipal Authorities to issue a Birth Certificate of female minor “Krisha Ferrara” showing the names of the proposed adoptive parents as her Parents.

(e) That the concerned Municipality/the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor ‘Krisha Ferrara’ within five working days from the date of application of the Petitioner, as per the Provisions of Sub-regulation 15 of the Adoption Regulations 18 and regulation 36,

(f) The concerned Regional Passport Office may be directed to issue Passport for the said ‘Krisha Ferrara’ within ten days from, the date of application as per sub-regulation (4) of regulation 18 and regulation 38.”

32. 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.

33. The Judge's Order is also accepted and signed separately.

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

[FIRDOSH P. POONIWALLA, J.]

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