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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. 16 OF 2025
WITH
JUDGE'S ORDER NO. 122 OF 2025**

Bal Asha Trust

...Petitioner

And

**Mr. Devanarayanan Ramasubramanian and
Mrs. Nivedita Krishnakumar**

...Proposed Adopters

Mr. Rakesh Kapoor i/b M/s. Rakesh K. L. Kapoor & Co. 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 male minor
Aditya Kumar @ Aditya Deva Narayanan ("the said male minor")
born on 26th January 2024.

2. The male minor Aditya Kumar, born on 26th January
2024 was surrendered by the biological parents before the Child

Welfare Committee (CWC), Mumbai City – II on 27th September, 2024 and the said male minor's safe custody was given to the Petitioner institution Bal Asha Trust, Mumbai on the same day as per the order of the said CWC dated 27th September, 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order of the said 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) Act, 2015, the Child Welfare Committee, Mumbai City-II declared the said male minor "Legally Free for Adoption" on 20th January, 2025. The Free for adoption Certificate is on record at page Nos. 17-18 to the Petition.

4. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 13th August, 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. 20-25 to the Petition.

6. The Proposed Adopters are American Nationals of Indian origins (OCI Card holders), residing at California, U.S.A. aged about 36 and 34 years respectively, have been married for the past 07 years (25/07/2018) with no biological children.

7. The Prospective Adoptive Parents Joint Family Photograph, Copies of Passport and OCI Card Certificate are on record at page Nos. 27-35 to the Petition.

8. The Medical report dated 31st October, 2024 of the prospective adoptive parents is on record and it states that both have no physical, mental, or psychological unfavorable elements of the adoption applicant that 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. 44-60 to the Petition.

9. The Prospective Adoptive Father is working as a Senior Software Development Engineer with Amazon Data Services, Inc. California, USA since 02nd January, 2021 and his annual salary is US\$ 248,400.00. His Employment & Income certificate is on record at page Nos. 61-62 to the Petition.

10. Prospective Adoptive mother is working as a Teacher with Berryessa Union School District, California, USA since 12th August, 2019 and her annual gross salary is \$ 90,500.00. Her Employment & Income certificate is on record at page Nos. 63-64 to the Petition.

11. The U.S. Individual Income Tax Return 2024 and Residence Certificate are on record at page Nos.65-69 to the Petition.

12. The Childcare Plan Letter of the Prospective Adoptive Parents is on record at page Nos. 70-71 to the Petition.

13. The home study report dated 16th January, 2025 of authorities of “Heartsent Adoptions, INC”. California USA has found the Prospective Adoptive Parents suitable to adopt one child between the ages of zero and 4 years old at the time of referral, of either gender, healthy or with mild, correctable special needs from the country of India. The said home study report is on record at page Nos. 72-85 to the Petition.

14. The Report of Psychological Evaluation dated 14th August, 2024 of the authorities of “One Door Psychology”, Rob

Swanson, PhD has found the prospective adoptive parents to be considered good candidates for becoming adoptive parents of a child from India. The said Report is on record at page Nos. 86-90 to the Petition.

15. The Permission of the Receiving Country as per Article 5/17 of the Hague Convention is on record at page Nos. 91-96 to the Petition.

16. The Child Security undertaking dated 06th October, 2025 given by the Prospective adoptive parents cousins 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. 105-106 to the Petition.

17. The Medical Examination report of the said male minor dated 16th January, 2025 is on record at page Nos. 110-118 to the Petition and it states, "Health Status of the child is Special Needs. Overall Observation of the child: He has grown well in the institution. His BERA report shows mild to moderate conductive Hearing Loss. He is receiving Iron supplements for low Hb and also on appetizer. The Prospective Adoptive Parents have countersigned this Report.

18. The Medical Examination Report dated 12th March, 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. 119-137 to the Petition and the report confirmed the status of the said minor as Special Needs. The prospective adoptive parents have countersigned this report.

19. The Report of Psychological Testing dated 20th January, 2025 of the said male minor is on record at page Nos. 138-141 to the Petition and it states that he is an affectionate and pleasant child. His overall DQ is 72% which is suggestive of borderline developmental delay. His BERA test report shows mild to moderate conductive hearing loss. The prospective adoptive parents have countersigned this report.

20. The H.I.V. Report of the said male minor dated 09th November, 2024 certifies the case as Non-Reactive. This report is on record at page No. 144 to the Petition.

21. The Post Card Size Photograph of the said male minor is on record at page No.145 to the Petition.

22. As regards the change of name, the Prospective

Adoptive Parents desire that the said male minor 'Aditya Kumar' be renamed as "Aditya Deva Narayanan".

23. The Declaration of consent, willingness and undertaking of the Prospective Adoptive Parents is 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.146-149 to the Petition.

24. The undertaking dated 13th May, 2025 of the Authorized Foreign Adoption (AFAA) "International Adoption Net", 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. 150-152 to the Petition.

25. The Power of Attorney dated 17th June, 2025 duly executed by the Prospective Adoptive Parents in favour of the Petitioner institution is on record at page Nos. 153-155 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 up to 30th September, 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 4th 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 male minor child that he 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

¹ WP(L) No.32065 of 2022

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.”

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 (e) of the Petition, which read thus:-

*“(a) For the Adoption of the proposed **male** minor Aditya Deva Narayanan, born on 26/01/2024 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 minor Aditya Deva Narayanan and having all parental rights, privileges and responsibilities over the said minor, now in the care and custody of the Petitioner institution Bal Asha Trust, Anand Niketan, Dr. E. Moses Road, Mahalaxmi, Mumbai – 400 011.

(c) That the proposed adopters be allowed to change the name of the said minor Aditya Kumar to Aditya Deva Narayanan.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Aditya Deva Narayanan, born on 26/01/2024 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 Aditya Deva Narayanan 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.”

32. 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.

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.]

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