

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 3 OF 2025
WITH
JUDGE'S ORDER NO.10 OF 2025
IN
INDIAN ADOPTION PETITION NO. 1 OF 2025

BAL ASHA TRUST

)...PETITIONER

V/s.

HARSHA MADHUKAR HUILGOL
SUPRIYA HARSHA HUILGOL

)...PROSPECTIVE
)ADOPTIVE PARENTS

Mr.R.K.L.Kapoor, Advocate for the Petitioner.

Proposed Parents present along with child in Chamber.

Ms.Angel Aloor, Social Worker, Bal Asha Trust, present in Chamber.

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

CORAM : ABHAY AHUJA, J.

DATE : 6th FEBRUARY 2025
(IN CHAMBER)

ORDER :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a female minor named Shivani born on 16th March 2023 by the Prospective Adoptive Parents. The female minor child was found abandoned by the Mahim Police Station, Mumbai and was produced before the Child Welfare Committee

(“CWC”) Mumbai City – II on 27th April 2023 and Shivani was admitted to the Petitioner Institution on the same day as per order dated 27th April 2023 of the CWC under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”). The admission order of the CWC is on record at Exhibit B-1 to the Petition.

2. Mr.O.Hareendran, Scrutiny Officer, ICSW, present at today’s hearing has tendered his representation dated 30th January 2025 which contains a chronology of all the approvals and reports necessary for adoption with a request to consider the same before passing the final order. The said representation is taken on record and marked “X” for the purposes of identification.

3. Mr.Kapoor, learned Counsel, appearing for the Petitioner has taken me through the various approvals and reports.

4. I have heard Mr.Kapoor and also perused the various approvals and reports annexed to the Petition as well as the representation of the Indian Council of Social Welfare (“ICSW”).

5. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai Suburban-II declared Shivani “Legally Free for

Adoption” on 20th September 2024. The Free for Adoption Certificate is on record at Exhibit B to the Petition.

6. The Prospective Adoptive Parents are Indian nationals, residing at Bengaluru, Karnataka, aged about 44 and 41 years respectively. They have been married for the past 15 years (17th May 2009) with no biological children.

7. The Motivation letter from the Prospective Adoptive Parents is on record at Exhibit C-3. I have also interacted with the Prospective Adoptive Parents today and they are eager to adopt Shivani, who is under their foster care, pursuant to the Pre-adoption foster care Affidavit dated 20th November 2024 which is on record at Exhibit F.

8. Affidavit by the Chief Functionary of the Specialized Adoption Agency – Petitioner in support of the adoption of Shivani is on record at Exhibit M to the Petition.

9. The Minutes of Adoption Committee Meetings held on 24th October 2024 and 18th November 2024 are on record at Exhibit A to the Petition which observes that the Prospective Adoptive Parents are suitable to adopt Shivani.

10. The Health Report of the Prospective Adoptive Parents dated 16th October 2024 is on record and it states that they are not suffering from any communicable or chronic diseases and are clinically fit and healthy for adoption. Their HIV I & II, Hepatitis B and HBsAg test reports certify the case as non-reactive. These reports are on record at Exhibit C-2 to the Petition.

11. The Prospective Adoptive father is working as an IT Consultant with Amazon Web Services, Munich, Germany since 2023 and his gross monthly (September 2024) salary is Euro 8,083.33 (equivalent to Rs.7,19,387/-). The Prospective Adoptive father's salary slips for the month of July, August and September 2024 are on record at Exhibit G to the Petition.

12. The Prospective Adoptive mother is a Homemaker.

13. The copies of proof of residence (Aadhar Cards) of Prospective Adoptive Parents are on record at Exhibit D, PAN cards of Prospective Adoptive Parents are on record at Exhibit D-1 and Bank References are on record at and Exhibit G-1 to the Petition.

14. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at Exhibit H to the Petition.

15. The Home study report Part II : Assessment reports dated 4th February 2023 and 28th October 2024 of the social worker of Specialized Adoption Agency 'Amulya (G) Shishu Greh', Bangalore, has also found the prospective adoptive parents suitable for adopting a child. The said report is at Exhibit H-1 to the Petition.

16. The Child Security Undertaking dated 20th November 2024 of the Prospective Adoptive mother's brother and sister-in-law residing at Bengaluru, Karnataka to look after Shivani in case of any mishap to the Prospective Adoptive Parents is on record at Exhibit K to the Petition.

17. The Medical Examination Report dated 3rd September 2024 of Shivani is on record at Exhibit L-1 to the Petition and it records the Health status of the child as Normal. The overall observation of the child states that Shivani has grown well in the Institution and has not suffered any major illness needing hospitalization and is developmentally normal for her age. The said Medical Examination report has been countersigned by the Prospective Adoptive Parents.

18. The HIV test report of the female minor dated 9th July 2024 certifies the case as non-reactive. The said test report of Shivani is on record at Exhibit L-3. The post card size photograph of Shivani is on record at Exhibit L-4 to the Petition.

19. The Declaration at Exhibit E to the Petition of consent, willingness and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the adoptive parents of the said female minor Shivani.

20. As regards the change of name, the Prospective Adoptive Parents desire that Shivani's name be changed to Shravya Harsha Huilgol.

21. The undertaking dated 8th November 2024 given by the Specialized Adoption Agency 'Amulya (G) Shishu Greh' Bangalore for furnishing post adoption follow up reports is on record at Exhibit N to the Petition.

22. The Petitioner institution's recognition as per the Representation by ICSW to place children in adoption is valid for a period up to 5th May 2025.

23. Ms.Angel Aloor,, Social Worker, attached to the Petitioner group is present and informs that Shivani has been in the foster care of the Prospective Adoptive Parents since two and a half months without any complaints.

24. Having considered the material on record as well as the representation of Mr.O. Hareendran, Scrutiny Officer, ICSW, dated 30th January 2025, as well as the submissions by Mr.Kapoor for the Petitioner and considering that Shivani has been in the foster care of the Prospective Parents without any complaints and having interacted with the Prospective Adoptive Parents as well, I am satisfied that it would be in Shivani's interest and welfare that she is adopted by the Prospective Adoptive Parents.

25. Since Shivani is of one year ten months, it is not possible to give consideration to her wishes but as *parens patriae* I am of the view that the adoption will secure her upbringing and future. From the proceedings before me and the interaction with the proposed adoptive parents as well as the social worker, Mr.Hareendran, Scrutiny Officer and the learned Counsel, it does not appear to me that this is a case where any consideration has been given or agreed to be given in

consideration for the adoption nor any material has been placed before me or brought to my notice to hold otherwise.

26. In view of the order dated 10th January 2023 of this Court in the case of ***Nisha Pradeep Pandya alias 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, this Court has jurisdiction to consider and dispose of the present Petition. The relevant portion of 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.

¹ Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)

Those orders may be continued to be passed until the challenge is finally decided."

27. Ergo, the Petition is allowed in terms of prayer Clauses (a) to (d) which read thus :

- (a) That the Prospective Adoptive Parents be given the said child Shivani in Adoption and be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor Shravya Harsha Huilgol.
- (b) That the Prospective Adoptive Parents may be granted leave to remove the said minor from the jurisdiction of this Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.
- (c) That the concerned Municipal Authority/Birth Certificate Issuing Authority may be directed to issue Birth Certificate in the name of the said minor Shravya Harsha Huilgol, born on 16th March 2023 and stating that thereon that the Prospective Adoptive Parents as the parents of the said minor.
- (d) That the Prospective Adoptive Parents be allowed to change the name of the minor from 'Shivani' to 'Shravya Harsha Huilgol'.

28. The Judge's order is accepted and signed separately. There is an undertaking of the Adoptive Parents in the Judge's order to invest a sum of Rs.2,00,000/- in the name of the adopted child. They have also undertaken not to withdraw this investment till the adopted child attains majority and to hand over the investment receipts to the adopted child on her attaining majority.

29. The undertakings in the Petition and the Judge's Order are accepted as undertakings to this Court.

30. The Indian Adoption Petition accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)

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