

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

**INDIAN ADOPTION PETITION NO. 6 OF 2025
WITH
JUDGE'S ORDER NO. 12 OF 2025
IN
INDIAN ADOPTION PETITION NO. 6 OF 2025**

**Maharashtra State Women's
Council Adoption Group**

...Petitioner

And

**Merrick Loreto Pinto and
Shaleen Elaine Almeida**

...Prospective Adoptive Parents

And

Meisha Eshter Pinto

...Minor

Ms. Dipal Sanjanwala Mehta, Advocate for the Petitioner.

Proposed Parents present along with child in Chamber.

Ms. Ujwala Ashthankar, Social Worker, Bal Asha Trust, present in Chamber.

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

Mr. Dilip Gurav, Chamber Registrar present.

**CORAM : ABHAY AHUJA, J.
DATE : 13th FEBRUARY 2025
(IN CONFERENCE ROOM)**

ORDER :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a female minor named Drishti born on 20th July, 2024 by the Prospective Adoptive Parents. The biological parents had surrendered the minor before the Child Welfare Committee ("CWC") Mumbai City-I on 6th August 2024 and the minor was admitted to the

Petitioner Institution on the same day as per order dated 31st July, 2024 of the CWC under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”). The custody order of the CWC is on record at Exhibit B to the Petition and the transfer 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 the representation dated 5th February, 2025 of ICSW 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. Ms. Mehta, learned Counsel appearing for the Petitioner has taken me through the various approvals and reports.

4. I have heard Ms. Mehta 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 “Legally Free for Adoption” on 11th October, 2024. The Free for Adoption Certificate is on record at Exhibit B-2 to the Petition.

6. The Prospective Adoptive Parents are Indian nationals, residing at Panaji, Goa, aged about 39 and 38 years respectively. They have been married for the past 12 years (14th February, 2013) with no biological children.

7. The Motivation letter from the Prospective Adoptive Parents is on record at Exhibit C to the Petition. I have also interacted with the Prospective Adoptive Parents today and note their eagerness to adopt Drishti, who is under their foster care, pursuant to the Pre-adoption foster care Affidavit dated 14th January, 2025, which is on record at Exhibit E-1 and are present with the adoptive child today.

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

9. The Minutes of Adoption Committee Meetings held on 7th January, 2025 is on record at Exhibit A to the Petition which observes that the Prospective Adoptive Parents are suitable to adopt Drishti.

10. The Medical Report of the Prospective Adoptive Parents dated 3rd January, 2025 is on record and it states that they are physically and medically fit and not suffering from any communicable disease. Their HIV and HBsAg test reports certify the case as non-reactive. These reports are on record at Exhibit C-3 and C-4 to the Petition.

11. The Prospective Adoptive father is self employed (Hotel business-Partnership with his father) and his monthly income for the Assessment Year 2024-25 is Rs. 4,31,820/-. His Income Tax Returns for the Assessment Years 2022-23, 2023-24 and 2024-25 are on record at Exhibit-F to the Petition. The No Objection Certificate to run business of the prospective adoptive father's father is on record at Exhibit F-2 to the Petition. The Registration Certificates and renewed licence are on record respectively at Exhibits F-3 and F-4 to the Petition.

12. The Prospective Adoptive mother was employed with Manas Developers as an Administrative Executive Assistant and currently stated to be a homemaker. Her Income Tax Returns for the Assessment

Years 2022-23, 2023-24 and 2024-25 showing her total income for the Assessment Year 2024-25 is Rs. 4,31,820/- are on record at Exhibit F-1 to the Petition.

13. The copies of proof of residence (Electricity Bill) of the Prospective Adoptive Parents is on record at Exhibit D, PAN cards of the Prospective Adoptive Parents are on record at Exhibit F-5 and F-6 and other supporting financial documents indicating investments are on record at Exhibits F-8 to F-14 to the Petition.

14. The Childcare Arrangement undertaking of the Prospective Adoptive Mother is on record at Exhibit F-15 to the Petition.

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

16. The Home study report Part II : Assessment report dated 11th August, 2021 and dated 5th June, 2024, of the Specialized Adoption Agency 'Caritas Goa' Panjim, Goa, has also found that the prospective adoptive parents suitable for adopting a child. The said reports are at Exhibit G-1 to the Petition.

17. The Child Security Undertaking dated 11th January, 2024 given by the Prospective Adoptive father's sister and brother-in-law residing at Santacruz (E), Mumbai to look after the proposed minor in case of any mishap to the Prospective Adoptive Parents is on record at Exhibit K to the Petition.

18. The Medical Examination Report dated 17th December, 2024 of Drishti is on record at Exhibit I-1 to the Petition and it records that the child has left congenital torticollis with tightening of left sternocleidomastoid, upper trapezius and levator scapulae muscles but responding well to physiotherapy. However, the overall observation of the child states that Drishti is normal and healthy child. The prospective Adoptive Parents have countersigned the Medical Examination Report.

19. The Report of Physiotherapist dated 10th December, 2024 of Drishti, which is also on record at Exhibit I-1 to the Petition and it states that the child is presently under physiotherapy since the last 40 days and currently her neck alignment is improving and getting better, shoulder elevation (shrug) is still persistent, intermittent arm opening is seen and in supine and supported sitting, trunk goes into lateral

flexion to the left side. It is also stated that considering it to be a habitual pattern, the child's case will be reviewed after 3 months. The prospective adoptive parents have countersigned the said report. It appears that with continued physiotherapy the condition of the child will get normal.

20. The HIV test reports of the female minor dated 1st October, 2024, certifies the case as non-reactive. The said test report of Drishti is on record at Exhibit I-2 to the Petition. The post card size photograph of Drishti is on record at Exhibit B-4 to the Petition. I have also seen the child today and observe that the child is comfortable with the prospective adoptive parents.

21. 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 Drishti. The prospective adoptive parents have further agreed and undertaken to the Petitioner institution and to this Court that they will not give the said child in further adoption to anyone residing in or outside India.

22. As regards the change of name, the Prospective Adoptive Parents desire that Drishti's name be changed to Meisha Esther Pinto.

23. The undertaking dated 9th January, 2025, given by the Specialized Adoption Agency 'Caritas-Goa', Panjim, Goa for furnishing post adoption follow-up reports is on record at Exhibit J to the Petition.

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

25. Ms. Ujwala Ashtankar, Social Worker, attached to the Petitioner is present and informs that Drishti has been in the foster care of the Prospective Adoptive Parents since 23rd January, 2025 without any complaints.

26. Having considered the material on record as well as the representation of Mr.O. Hareendran, Scrutiny Officer, ICSW, dated 5th February, 2025, as well as the submissions by Ms. Mehta for the Petitioner and considering that Drishti has been in the foster care of the Prospective Adoptive Parents without any complaints and having

interacted with the Prospective Adoptive Parents as well, I am satisfied that it would be in Drishti's interest and welfare that she is adopted by the Prospective Adoptive Parents.

27. Since Drishti is of 6 months 24 days, 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.

28. 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 :

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

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

(a) This Hon'ble Court may be pleased to appoint the Co-Petitioners, Merrick Loreto Pinto and Shaleen Elaine Almeida as the adoptive parents of the female minor, Drishti @ Meisha Esther Pinto, in the care of the Maharashtra State Women's Council Adoption Group at Maharashtra State Women's Council Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai-400009.

(b) That the Co-Petitioners be allowed to change the name of the minor from 'Drishti' to 'Meisha Esther Pinto'.

(c) That the Co-Petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon'ble Court and to take

the minor alongwith them, i.e., to the Co-Petitioners' family wherever they may reside or their work may require them to.

(d) That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of the Petitioner, as per the provisions of Regulation 36 of the Adoption Regulations.”

30. 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.1,00,000/- 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.

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

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

(ABHAY AHUJA, J.)

Privacy Warning : No part of this order shall be uploaded on any public domain or portal without this Court’s express permission.

Nikita Gadgil

11/11