

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO. 7 OF 2025

Shraddhanand Mahilashram ... Petitioner
And
Mr. Suresh Shantaram Vichare and
Mrs. Sarika Suresh Vichare ... Prospective Adoptive Parents

WITH
JUDGE'S ORDER NO. 17 OF 2025
IN
INDIAN ADOPTION PETITION NO. 7 OF 2025

.....

Mr. Rakesh Kapoor instructed by M/s. Rakesh K. L. Kapoor and Co.,
Advocate for the Petitioner.
Mr. O. Hareendran, Scrutiny Officer-ICSW, present.
Mr. Suresh Shantaram Vichare, Adoptive father, Mrs. Sarika Suresh
Vichare, Adoptive mother, and minor Samarth, present.
Mr. Dilip S. Gurav, Chamber Registrar, present.

.....

CORAM : ABHAY AHUJA, J.
DATE : 17 APRIL 2025
(In Camera in mini conference room)

P.C. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a male minor named Divyansh born on 10th July 2023, by the Prospective Adoptive Parents.

2. Divyansh was admitted to the Petitioner Institution on 20th July 2023 for primary care and protection as the biological mother surrendered Divyansh before the Child Welfare Committee (CWC), Mumbai City-II on 20th July 2023. The biological mother executed Deed of Surrender before the CWC on 28th July 2023 and the CWC recognized the admission after passing order of the said date, for primary care and protection and the child's safe custody under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the "said Act").

3. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the said Act, the CWC, Mumbai City - II declared Divyansh "Legally Free for Adoption" on 9th October 2023.

4. The Prospective Adoptive Parents viz. Mr. Suresh Shantaram Vichare and Mrs. Sarika Suresh Vichare (the "PAPs") are Indian nationals, residing at Pomendi, Marthwadi, Chiplun, District : Ratnagiri, Maharashtra, both aged about 46 and 39 years respectively. They have been married for the past 14 years (15th December 2010) with no biological children. The PAPs have their own house and a total

10 guntas land around the house. The Prospective Adoptive father is self-employed and the owner of the firm “Om Sai Kaju Udyog” at Guhagar, Ratnagiri since 2003 and his income for the Assessment Year 2024-25 is Rs.5,65,390/- and is also a Police Patil. The Prospective Adoptive mother is also self-employed and the owner of Poultry Farm in the name of Shriram Poultry Farm at Guhagar, Ratnagiri since 2017 and her income for the Assessment Year 2024-25 is Rs.3,60,980/-, but has now employed persons to work there and is full time taking care of the child since he is in their foster care since 16th August 2024.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 20th March, 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.

6. Mr. Kapoor, learned Counsel appearing for the Petitioner has taken me through the various approvals, reports, affidavits, declarations and undertakings as under :

Sr. No.	Date	Report/Affidavit/Declaration/Undertaking	Exhibit No.
1.	13-08-2024	Minutes of Adoption Committee	"A"
2.	09-10-2023	Child Welfare Committee's Legally Free for Adoption Order	"B"
3.	24-07-2023	Child Welfare Committee's Admission Order	"B-1"
4.		Adoptive Parents Age Proof	"C"
5.	27-10-2020	Proof of Marriage of Adoptive Parents (Marriage Certificate)	"C-1"
6.	10-08-2024	Medical certificates of adoptive parents	"C-2"
7.	15-07-2024	Adoptive parents motivation letter	"C-3"
8.		Proof of Residence (Electricity Bill)	"D"
9.		PAN & Aadhar Copies of Adoptive Parents	"D-1"
10.	13-08-2024	Consent, willingness and undertaking of Adoptive Parents	"E"
11.	03-02-2025	Pre-adoption Foster Care Agreement	"F"
12.	03-02-2025	Income Affidavit and Income Tax Return of adoptive father	"G"
13.	03-02-2025	Income Affidavit and Income Tax Return of adoptive mother	"G-1"
14.		Supportive financial documents	"G-2"
15.	15-07-2024	Child care plan letter	"G-3"
16.	16-07-2024	Home Study Report Part-I	"H"
17.	16-07-2024	Home Study Report Part-II	"H-1"
18.		Reference letters	"I"
19.		Photographs of Adoptive Parents	"J"
20.	13-08-2024	Child Security Undertaking	"K"

21.	26-06-2024	Child Study Report	“L”
22.	08-05-2024	Medical Examination Report of Minor	“L-1”
23.		Name change statement	“L-2”
24.	17-10-2023	HIV Report of minor	“L-2”
25.		Post Card size photo of minor	“L-3”
26.	20-02-2025	Consent Affidavit/Undertaking by the Petitioner	“M”
27.	09-08-2024	Undertaking by Specialized Adoption Agency	“N”

7. I have heard Mr. Kapoor, learned Counsel for the Petitioner and Mr. Hareendran, Scrutiny Officer, ICSW and also perused the various approvals, reports, affidavits, declarations and undertakings annexed to the Petition as well as the representation of the ICSW and note that the PAPs are physically, mentally, financially, socially, psychologically and emotionally suitable to adopt Divyansh. The Home study report of the Specialized Adoption Agency “Bharatiya Samaj Seva Kendra”, Ratnagiri, Maharashtra has also found the PAPs suitable for adopting a normal child between the age group of 0-2 years. The updated Home Study Report indicates that the Prospective Adoptive father’s mother, brother and his wife and daughter are all very happy with the PAPs decision to adopt. The social worker had recommended adoption of a male child of 0-2 years observing that the PAPs are economically stable and medically fit to adopt. The PAPs got married on 15th December 2010. They are quite comfortable with each other.

They love children and eagerly waiting to enjoy parenting with male sex child through the adoption. They are mentally and emotionally prepared for the adoption of a child. They have good understanding of parental techniques for parenting of the child. Both will equally participate in rearing and caring of the child and shoulder equal responsibility of child. The mother of the Prospective Adoptive father is happy with PAPA's decision to adopt the child and she is eagerly waiting for her grandson at home. Thereafter Divyansh was placed in the foster care of the PAPA on 16th August 2024. The Post-Legal follow up report dated 21st February 2025 of the Specialized Adopted Agency "Bharatiya Samaj Seva Kendra", Chiplun, Ratnagiri reveals that the child has a well established routine and he appears to have adjusted to the new surroundings well. He is attached to the prospective parents and has accepted the prospective grandmother and other family members too. He identified each member of the family. He speaks simple words like Aai, Baba, Dada, Didi, Aatu etc. Even he tries to communicate for his basic needs in his own language. His developments seem to be normal and appropriate as per his age. The social worker feels that the placement is going well and child is in safe hands. All the family members and the adoptive parents seem to be very contented and are prepared to take over challenges that come forward in the way of

parenting. It is observed from the report that the Prospective Adoptive Mother is full time available with the child for taking care. That the Prospective Adoptive Father is also contributing his role in child care. That other family members are also supporting. The niece is also enjoying company of a cousin brother at home and also takes care of him.

8. It is also noted that the medical reports of the PAPs indicate that they are clinically fit to adopt and that Divyansh is a normal child with milestones appropriate for age.

9. I have also interacted with the PAPs today and note their eagerness to adopt Divyansh, who has been in their foster care since 16th August 2024 without any complaints and they are present with the adoptive child today. It is observed that the child is very comfortable with the PAPs and addressing them as Aai, Baba. The PAPs affection for the child also appears natural.

10. The child security undertaking has been given by the nephew and wife of the PAPs. The child care plan also appears satisfactory.

11. Ergo, I am satisfied that it would be in Divyansh's interest and welfare that he is adopted by the PAPs as the adoption will secure his upbringing and future.

12. 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.

13. This Court has jurisdiction to consider and dispose of the present Petition in view of the order dated 10th January 2023 of this Court in the case of *Nisha Pradeep Pandya alias Nisha Amit Gor and another vs. Union of India and Ors.*¹, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

14. The PAPs also desire that the name of minor “Divyansh” be changed to “Samarth”. I see no impediment.

15. Ergo, the Petition is allowed in terms of prayer clauses (a) to (d), which reads thus :

(a) That the Prospective Adoptive Parents be given the said child “Samarth Suresh Vichare” in Adoption and be declared as parents having all parental legal rights, privileges

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

and responsibilities over the said minor.

(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 male minor "Samarth Suresh Vichare" born on 10/07/2023 and stating thereon that the Prospective Adoptive Parents are the parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from "Divyansh" to "Samarth Suresh Vichare".

16. 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 receipt to the adopted child on his attaining majority.

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

18. The Indian Adoption Petition accordingly stands allowed and is 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 written permission.