

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

INDIAN ADOPTION PETITION NO. 10 OF 2025
WITH
JUDGE'S ORDER NO. 22 OF 2025
IN
INDIAN ADOPTION PETITION NO. 10 OF 2025

BAL ASHA TRUST)... PETITIONER

VERSUS

LAHU BHAU SONAWANE AND)...PROSPECTIVE
MRS. SUNITA LAHU SONAWANE) ADOPTIVE PARENTS

Mr. Rakesh Kapoor instructed by Rakesh K.L. Kapoor & Co., Advocate
for the Petitioner.

Ms. Vandana Chincholkar, Scrutiny officer – ICSW, present.

Mr. Lahu Bhau Sonawane, Adoptive father.

Ms. Sunita Lahu Sonawane, Adoptive mother.

Kum.Sonu, Minor, present.

Mr. Dilip Gurav, Chamber Registrar, present.

CORAM : ABHAY AHUJA, J.
DATE : 13 MARCH 2025
(IN CAMERA IN VIDEO
CONFERENCE ROOM)

PC. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a male minor named Sonu born on 5th September 2015 by the Prospective Adoptive Parents. The male minor child was found abandoned by the Wadala Railway Police Station, Mumbai and admitted to Shraddhanand Mahilashram, Matunga, Mumbai on 13th March 2018 for primary care and protection. Thereafter, Sonu was transferred to the Petitioner Institution Bal Asha Trust as per the order dated 24th May 2023 of the Child Welfare Committee (“CWC”) Mumbai City – II and was admitted to the Petitioner Institution on 3rd June 2023 vide order dated 5th June 2023 of the CWC under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”).

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai City II, Mahim, Mumbai 400 016 declared Sonu “Legally Free for Adoption” on 19th December 2023.

3. The Prospective Adoptive Parents are Indian nationals, residing at Taluka Junnar, District Pune, Maharashtra, aged about 54 and 47

years respectively. They have been married for the past 26 years (18th May 1998) with no biological children. The Prospective Adoptive father is working as a Chemist with Vighnagar Sahakari Sakhar Karkhana Ltd., Junnar, Pune since 1996 and his monthly (April 2024) gross salary is Rs.37,223/-. The Prospective Adoptive mother is working as a Teacher at Zilla Parishad Primary School, Bhatkalwadi, Junnar, Pune since 2004 and her monthly (October 2024) gross salary is Rs.81,645/-.

4. Ms.Vandana Chincholikar, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 5th 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. As per the Representation from the ICSW the Petitioner Institution’s recognition to place children in adoption is valid for a period up to 5th May 2025.

5. Mr.Rakesh 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	21-10-2024	Minutes of Adoption Committee	A
2	27-12-2023	C.W.C. Legally Free for Adoption Order	B
3	05-06-2023	C.W.C. Admission Order	B-1
4		Adoptive Parents Age Proof	C
5		Proof of Marriage of Adoptive Parents	C-1
6	01-06-2024	Medical Certificate of Adoptive Parents	C-2
7		Adoptive Parents Motivation Letter	C-3
8		Proof of Residence	D
9		PAN Copies of Adoptive Parents	D-1
10		Consent, Willingness and Undertaking of Adoptive Parents	E
11	25-10-2024	Pre-Adoption Foster Care Agreement	F
12	23-05-2024	Salary Certificate and Form No.16 of Adoptive Father	G
13	18-12-2024	Form No.16 and Pay Bills of Adoptive Mother	G-1
14		Supportive Financial Documents	G-2
15	25-10-2024	Childcare Arrangement Plan Declaration	G-3
16	14-08-2023	Self Assessment Report	H
17	14-08-2023	Home Study Report	H-1
18	16-09-2024	Update Home Study Report	H-2
19		Reference Letters	I
20		Photograph of Adoptive Parents	J
21	25-10-2024	Child Security Undertaking	K
22	01-01-2024	Child Study Report	L
23	30-12-2023	Medical Examination Report of minor	L-1
24		Name change statement	L-2
25	09-06-2023	HIV Report of Minor	L-3
26		Post Card size photo of minor	L-4
27		Consent Affidavit / Undertaking by the Petitioner	M
28	24-01-2025	Undertaking by Specialized Adoption Agency and Pre-Adoption Follow Up Report	N

6. I have heard Mr. Rakesh Kapoor 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 Proposed Adoptive Parents are physically, mentally, financially, socially

and emotionally suitable to adopt Sonu. The Home study report of the Specialized Adoption Agency “Adhar Adoption Center” Pune has also found the Prospective Adoptive Parents suitable for adopting a healthy male child between the age group of 8 to 10 years. The updated Home Study/Counselling Report and the Social Worker’s overall impression indicates significant progress in the Prospective Adoptive Parents readiness for adoption and their ability to communicate openly and their willingness to seek help towards creating a nurturing environment for Sonu. The Pre-adoption follow up report of the Specialized Adoption Agency “Adhar” Pune reveals that Sonu is happy and well adjusted with the Proposed Adoptive Parents and other relatives and neighbours. He goes to school regularly and has made many friends in the school and near house also. He likes to study and is good in English. He likes to play with the boys of his age. He is following good diet and maintaining good hygiene and overall his physical development is good and satisfactory.

7. It is also noted that Sonu is an affectionate child with no developmental milestone delays. The overall observation of the child reveals that the child has average intellectual and social functioning and has not suffered from any major illness needing hospitalization and is currently disease free.

8. I have also interacted with the Prospective Adoptive Parents today and note their eagerness to adopt Sonu, who is under their foster care since 25th October 2024 without any complaints and are present with the adoptive child today.

9. The Prospective Adoptive Parents also desire that the name of minor 'Sonu Anil Bhoir' be changed to 'Avirbhav Lahu Sonawane'.

10. I have also interacted with Sonu and he has also expressed his desire to be adopted by the Proposed Adoptive Parents.

11. I am satisfied that it would be in Sonu's interest and welfare that he is adopted by the Proposed Adoptive Parents 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 Anr. Vs. Union of India and Ors¹***, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

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

14. 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 in Adoption and be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor Avirbhav Lahu Sonawane.

(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 BirthCertificate in the name of the said minor Avirbhav LahuSonawane born on 5th September 2015 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 'Sonu Anil Bhoir' to 'Avirbhav Lahu Sonawane'.

15. 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.

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

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

(ABHAY AHUJA, J.)

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