

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

INDIAN ADOPTION PETITION NO. 11 OF 2025
WITH
JUDGE'S ORDER NO. 21 OF 2025
IN
INDIAN ADOPTION PETITION NO. 11 OF 2025

SHRADDHANAND MAHILASHRAM)
THROUGH DIPTI SHELAR)... PETITIONER

VERSUS

VINAYAK BHASKAR KIRTANE AND)...PROSPECTIVE
KIRTI VINAYAK KIRTANE) ADOPTIVE PARENTS

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

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

Ms. Dipti Prashant Shelar, Superintendent of Shraddhanand Mahilashram, Matunga, Mumbai, present.

Mr. Vinayak Bhaskar Kirtane, Adoptive father.

Ms. Kirti Vinayak Kirtane, Adoptive mother.

Ms. Jayashri S. Dhani, grandmother, present.

Kum. Shree Vinayak Kirtane, 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 Sushant born on 14th January 2023 by the Prospective Adoptive Parents. The minor was admitted to the Petitioner Institution on 19th January 2023 for primary care and protection as per order dated 20th January 2023 of the Child Welfare Committee (“CWC”), Mumbai City-II under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”). The biological mother subsequently surrendered the minor before the CWC on 1st February 2023 for the child’s future rehabilitation.
2. After making due inquiry under Section 38 of the said Act, the CWC, declared Sushant “Legally Free for Adoption” on 21st April 2023.
3. The Prospective Adoptive Parents are Indian nationals, residing at Nashik, Maharashtra, aged about 46 and 37 years respectively. They have been married for the past 13 years (29th November, 2011) with no biological children. The Prospective Adoptive father is self-employed running a business of Jewellery Packaging Material Trading at Nashik

Road since 2002 and his income for the Assessment Year 2024-25 is Rs.5,71,100/-. The Prospective Adoptive mother is a homemaker.

4. Ms. Vandana Chincholikar, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 14th 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. As per the Representation from the ICSW the Petitioner Institution’s recognition to place children in adoption is valid for a period up to 8th March 2024.

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	14-06-2024	Minutes of Adoption Committee	A
2	21-04-2023	C.W.C. Legally Free for Adoption Order	B
3	20-01-2023	C.W.C. Admission Order	B-1
4		Adoptive Parents Age Proof	C
5		Proof of Marriage of Adoptive Parents	C-1
6	25-01-2025	Medical Certificate of Adoptive Parents	C-2

7		Adoptive Parents Motivation Letter	C-3
8		Proof of Residence	D
9		PAN & Aadhar Copies of Adoptive Parents	D-1
10	18-06-2024	Consent, Willingness and Undertaking of Adoptive Parents	E
11	18-06-2024	Pre-Adoption Foster Care Agreement	F
12	22-01-2025	Income Affidavit and Income Tax Return of Adoptive Father	G
13		Bank References	G-1
14	11-12-2023	Home Study Report Part-I	H
15	11-12-2023	Home Study Report Part-II	H-1
16	06-06-2024	Reference Letters	I
17		Photograph of Adoptive Parents	J
18	16-01-2025	Child Security Undertaking	K
19	25-06-2024	Child Study Report	L
20	23-05-2025	Medical Examination Report of Minor	L-1
21	25-06-2024	Name change statement	L-2
22	27-04-2024	HIV Report of minor	L-3
23		Post Card size photo of minor	L-4
24		Consent Affidavit/Undertaking by the Petitioner	M
25	12-06-2024	Undertaking by Specialized Adoption Agency and Pre-adoption followup 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 Sushant. The Home study reports of the Specialized Adoption Agency 'Adharashram', Nashik, Maharashtra, have also found the Prospective Adoptive Parents suitable for adopting

a child between the age group of 0 to 2 years.

7. It is noted that Sushant is a normal child. His BERA test report states that the hearing sensitivity of his left ear is within normal limits whereas there is mild hearing loss in the right ear. The reports indicate that his Cephalohematoma, which is treatable has decreased.

8. I have also interacted with the Prospective Adoptive Parents today and note their eagerness to adopt Sushant, who is under their foster care since 18th June 2024 without any complaints and are present with the adoptive child today. The Pre-adoption follow up report of the Specialized Adoption Agency “Adhar” Pune reveals that Sushant is very well adjusted in the family and the family is very happy to have the new member among them and are taking good care of Sushant. It is observed from the reports that the Proposed Adoptive Parents give a lot of attention in bringing up Sushant as a healthy and active child and is loved by everyone in the family and that placing Sushant with Kirtane’s family will emerge as a successful attempt.

9. The Prospective Adoptive Parents desire that the name of minor ‘Sushant’ be changed to ‘Shree Vinayak Kirtane’.

10. I have also interacted with Sushant and observe that the child is comfortable with the Prospective Adoptive Parents.

11. I am satisfied that it would be in Sushant's interest and welfare that he is adopted by the Proposed Adoptive Parents and that 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 Ors*¹, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

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

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

(a) That the Prospective Adoptive Parents be given the said child “Shree Vinayak Kirtane” in Adoption and be declared as parents having all parental legal rights, privileges 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 “Shree Vinayak Kirtane” born on 14/01/2023 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 ‘Sushant’ to “Shree Vinayak Kirtane.

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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