

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

INDIAN ADOPTION PETITION NO. 14 OF 2025

Vatsalya Trust

... Petitioner

And

Mr. Shashank Deepak Fulzele &

Mrs. Nayantara Moon

...Prospective Adoptive Parents

**WITH
JUDGE'S ORDER NO. 24 OF 2025**

Ms. Aarti P. Kulkarni, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer-ICSW, present.

Ms.Nanda Sangode-Social Worker of Petitioner Institution.

Mr.Shashank Deepak Fulzele-Adoptive Father with Mrs. Nayantara Moon-Adoptive Mother and Shrinidhi-Minor are present.

Mr. Dilip S. Gurav, Chamber Registrar, present.

CORAM : ABHAY AHUJA, J.

DATE : 8th MAY 2025

(In Camera in mini conference room)

P.C. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption by the Prospective Adoptive Parents of a female minor named Shrinidhi born on 6th November, 2023.

2. Shrinidhi was admitted to the Petitioner Institution on 21st November, 2023 for the child's care and safe custody under the

provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”) as the biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban District on the same date.

3. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared Shrinidhi “Legally Free for Adoption” on 15th February, 2024.

4. The Prospective Adoptive Parents viz. Mr. Shashank Deepak Fulzele and Mrs. Nayantara Moon (the “PAPs”) are Indian nationals, resident of Nagpur and presently at Puttur, Dakshin Kannada, Karnataka, both are aged about 36 years. They have been married for the past 9 years (21st April, 2016) with no biological children. The PAPs have their own house at Nagpur and presently staying in a rented 2 BHK house at Bantwala Taluk, Puttur Karnataka. The Prospective Adoptive father is working with Canara Bank as a Manager and since June, 2024 he was transferred from Jalna Main Branch to Puttur Branch, Dakshin Kannada, Karnataka. His monthly (April-2024) gross salary is Rs.93,653.46/-. The Prospective Adoptive mother is a homemaker.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 26th April, 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. Ms. Kulkarni, 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	26-06-2024	Copy of the decision of the Adoption Committee	A
2	15-02-2024	Child Welfare Committee Orders	B
3	-- -- 14-08-2020 30-04-2024 --	Proposed Adoptive Partents’: proof of age-Birth Marriage Certificate, Medical Certificate, HIV Reports and Motivation Letter of Adoptive Parents.	C
4		Proof Residence PAN Card, Electricity Bill	D
5	24-06-2024 24-06-2024	Consent, Willingness and undertaking by the PAPs Foster Care Agreement	E
6	2023-2024	Form No.16, Salary Slips of Adoptive Father and	F

		Supportive financial documents	
7	29-03-2024 24-06-2024	Home Study Report, Reference Letters, Family Photograph and Undertaking by Relatives	G
8	01-07-2024 01-07-2024 --- 06-12-2023 -- 06-02-2025 23-11-2024 06-07-2020 06-02-2025	Child Study Report, Medical Report, Name Change Letter, HIV Report, Post Card Size photograph of the minor, Applicant's consent Affidavit, Resolution Letter, copy of certificate recognition and Undertaking by Agency.	H

7. I have heard Ms. Kulkarni, 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 fit, mentally alert, financially sound and highly motivated and psychologically and emotionally suitable to adopt Shrinidhi for providing a good upbringing to her.

8. Perusal of the motivation letter at page 45 indicates that the Prospective Adoptive Mother PAPs had a miscarriage in 2019 and that was a girl child. That on that moment PAPs planned for adopting a girl child as they wanted their girl child back, as they are sure that she

could bring back the happiness in their life. They believe in humanity and also they wanted to enjoy parenthood that's why they decided to adopt a child. That as the child is abandoned, it was injustice to her by her biological mother, so they as a parents want to give her all the love and care which was denied by her biological mother.

9. The Home study report of the Specialized Adoption Agency "Bharatiya Samaj Seva Kendra", Aurangabad has also recommends that a female child of 0 to 2 years can be placed with them. Shrinidhi was placed in the foster care of the PAPs on 1st July, 2024. The First Follow Up Progress Report dated 14th September, 2024, of the Specialized Adopted Agency "Vathasalya Dhama" Makkala Dattu Kendra Amulya (P) Nellikatte, Puttur, Dakshina Kannada, reveals that the child is getting all the necessary attention from the family. The child on the whole is happy and parents are giving all kind of love, care and protection. The bonding between the family members is improving day by day. The child on the whole is happy. The Child is placed in a good environment of family. The parents have committed themselves to plan for a bright future for Shrinidhi. The social worker has wholeheartedly recommended that the parents continue to adhere to the recommended vaccination schedule and continue with the routine check-ups. This will

contribute significantly to the child's growth, development and overall health. The child is able to stand with support. The social worker is confident that Shrinidhi is in a safe and nurturing environment that will support her in reaching her full potential. It is observed from the said report that the child is well adjusted with the couple and the couple too is taking good care of Shrinidhi.

9A. The Specialized Adoption Agency has by a second follow up progress report dated 24th March, 2025, reported that Shrinidhi has adjusted very well with her mother and father and is happy with the parents. The bonding between family members is improving day by day. The child on the whole is happy and parents have given all kinds of love, care and protection. Shrinidhi is placed in a good environment of family. The PAPs have committed themselves to plan for bright future of Shrinidhi. Shrinidhi is able to walk and run now. It is reported that Shrinidhi is in the safe and nurturing environment that will support her in reaching her full potential.

10. The medical certificate of the PAPs indicates that PAPs are physically and mentally normal. That they can go ahead with adoption as the Prospective Adoptive Mother had a miscarriage at 5 months after IVF and chances of recurrent pregnancy loss are higher than normal, hence can plan adoption. Shrinidhi's medical reports suggest that Shrinidhi is a normal child and her development is a dynamic process and may show variation with time and at present up to now her overall mental and physical development is within normal limits.

11. I have also interacted with the PAPs today and note their eagerness to adopt Shrinidhi, who has been in their foster care since 1st July, 2024 without any complaints. It is observed that the child is emotionally well connected to the parents. The PAPs affection for the child also appears natural. Since the Prospective Adoptive Mother is a home maker, Shrinidhi will be looked after by the mother.

12. The child security undertaking has been given by the sister and brother- in-law of Prospective Adoptive Mother.

13. Ergo, I am satisfied that it would be in Shrinidhi's interest and

welfare that she is adopted by the PAPs as the adoption will secure her upbringing and future.

14. 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.

15. 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.

16. The PAPs also desire that the name of minor “Shrinidhi” be changed to “Shrinidhi Shashank Fulzele”.

17. 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 in Adoption and be declared as parents and has all parental legal rights, Privileges and responsibilities over the said minor.

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

(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 Shrinidhi Shashank Fulzele born on 06/11/2023 and stating that thereon that the Prospective Adoptive Parent as the Parent of the said minor.

(d) That the Prospective Adoptive Parent be allowed to change the name of the minor from Shrinidhi to Shrinidhi Shashank Fulzele born on 06/11/2023.

18. 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.

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

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

(ABHAY AHUJA, J.)

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