

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

INDIAN ADOPTION PETITION NO. 18 OF 2025
WITH
JUDGE'S ORDER NO. 27 OF 2025
IN
INDIAN ADOPTION PETITION NO. 18 OF 2025

Mr. Sean George Gomes

Mrs.Nina Ozhegova

And

Mrs.Nina Ozhegova

... Petitioners

... Respondent
(Biological Mother)

Mr. Siddharth Idnani a/w Ms.Isha Bafna, Advocates for the Petitioners.

Mr. O. Hareendran, Scrutiny officer – ICSW, present.

Mr. Sean George Gomes, Petitioner No.1 - Adoptive father.

Mrs. Nina Ozhegova, Petitioner No.2 -Biological mother.

Aleksandr Aleksandrovich Boldenkov – Adoptive minor is present.

David Sean Gomes Minor is present.

Mr. Dilip Gurav, Chamber Registrar, present.

CORAM : ABHAY AHUJA, J.

DATE : 13th MARCH 2025

(IN CAMERA IN VIDEO CONFERENCE ROOM)

P.C. :

1. This Indian Adoption Petition by the Petitioners seeks an order permitting adoption of a male minor named Aleksandr Aleksandrovich Boldenkov, born on 23rd December, 2010 (who is the biological son of the Petitioner No.2) by the Petitioner No.1.

2. The said male minor was born at Yekaterinburg, Russia, from the relationship of his biological mother viz the Petitioner No.2 herein with Late Mr.Aleksandrovich Boldenkov, who was the biological father of the said minor.

3. In the year 2013, the said male minor relocated to India with the Petitioner No.2 and since then lived in India for over more than 11 years under the custody of the Petitioner No.2. Thereafter, on 23rd March, 2020 the biological father of the said minor expired leaving the Petitioner No. 2 as the said minor's sole legal guardian/parent. After the death of the biological father of the minor child, the Petitioner No.2 re-married the Petitioner No.1 on 11th December, 2022 after living together since 2020. Since then, the said minor has been living with them and now the Petitioner No. 1 has decided to take the said minor in adoption under the Juvenile Justice (Care and Protection of Children) Act, 2015 (as amended) read with regulations 55 and 59(5) of the Adoption Regulations, 2022 and thereafter, the Petitioners have filed this Adoption Petition.

4. The Petitioner No.1-Prospective Adoptive father is an Indian national and the Petitioner No.2- biological mother of the minor is a

Russian national, both statedly residing at Andheri West, Mumbai, aged about 44 and 40 years respectively. After being married on 21st November, 2022 having lived together since 2020, the Petitioner No. 1 and the Petitioner No. 2 have two biological children, a daughter aged about 2 years (born on 11th December, 2022) and a son aged about 3 months (born on 3rd December, 2024). The Prospective Adoptive father is working as a Partner-Integrated Digital with R. K. Swamy Limited, Mumbai, an advertising company, since February, 2021 and his monthly (April-2024) gross salary is Rs. 2,60,337/-.

5. Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 18th 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. Idnani, learned Counsel appearing for the Petitioners has taken me through the various approvals, reports, affidavits, declarations and undertakings as under :

Sr. No.	Date	Report/Affidavit/Declaration/Undertaking	Exhibit No.
1	21.11.2022	Copy of marriage certificate along with Aadhar Card, Pan Card and Passport of both Petitioner and the Proposed Adopter.	A
2	23.12.2010	Copy of the Birth Certificate of the Child	B
3	27.03.2020	Copy of the Death Certificate of the deceased biological father of the child	C
4	29.02.2024	Copy of the school fees receipt and the bank statement of the Petitioner No.1	D
5		Copy of the Photograph of child with Petitioner No.1	E
6	20.05.2024	Copy of Fitness Certificate of the Petitioner No.1	F
7	10.07.2023	Copy of the CWC free for adoption order and the consent of Biological Parent along with Step Parent	G
8	23.06.2023	Copy of detailed Home Study report conducted by the DPCU Officer along with written letter of the said child	H
9	14.12.2023	Copy of the Pre-Approval Letter by CARA	I
10	04.07.2024	Copy of No Objection Certificate issued by Russian Government	J
11	28.11.2024	Copy of the X-Visa application bearing No.281124E1IUBL	K
12	06.01.2025	Copy of the screenshots of the Mother's Visa application status from FRRO Website and an email from FRRO	L
13		Copy of the child's passport and visa	M
14	07.01.2023 10.12.2024	Copy of the birth certificates of the biological children of the Petitioners named Isabel and David	N
15	22.05.2024	Copy of the salary slip of the Petitioner No.1	O
16		Copy of the Income tax Returns of the Petitioner No.1	P
17	08.01.2025	Copy of the order passed by the Hon'ble High Court, Bombay	Q

7. I have heard Mr. Idnani, learned Counsel for the Petitioners 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 father is physically,

mentally, financially, socially and emotionally suitable to adopt Aleksandr. The Family Background Report of the Child and the biological parent as per Schedule XXI of the Adoption Regulations, 2017 by the District Child Protection Unit, Mumbai Suburban has also observed that everyone is supporting each other and it is their cumulative decision to adopt Aleksandr and that they have shown genuine interest in this procedure. The Home Study Report has also found that the child was aware about adoption procedure and the child feels happy with this procedure and whole family is staying together. The pre-approval letter of the Central Adoption Resource Authority dated 14th December, 2023 has also been seen by me and it clearly states that adoption order as per Regulation 36(3)(d) of the Adoption Regulations, 2022 be issued after the Petitioners file an Application under Regulation 59(5) through the DCPU.

8. It is also noted that Aleksandr carries very good personality and is very active socially and physically also has sufficient knowledge (as per age) of surrounding.

9. I have also interacted with the Prospective Adoptive father today and note his eagerness to adopt Alaksandr, who has been living with him without any complaints and is present with the adoptive child today.

10. I have also interacted with Alaksandr, currently 14 years and 2 months old and he has also expressed his desire to be adopted by the Proposed Adoptive father.

11. I am satisfied that it would be in Alaksandr's interest and welfare that he is adopted by the Proposed Adoptive father 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 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) For adoption of the minor child named Aleksandr Boldenkov born on 23/12/2010 in Russia by the Petitioner No.1 as a father for the child.

(b) For declaring that the Petitioner No.1 as Adoptive father of the said child Aleksandr Aleksandrovich Boldenkov and having all father rights, privileges and responsibilities over the said child.

(c) Leave/Permission be granted to apply the concerned Municipal Authorities to issue Birth Certificate of the said child Aleksandr Aleksandrovich Boldenkov and stating that thereon that the Petitioner No.1 as father of the child and Petitioner No.2 as the mother of the child.

(d) Name be changed from “Aleksandr Aleksandrovich Boldenkov” to Aleksandr Sean Gomes”.

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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Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2025.03.25
19:10:34
+0530

Nikita Gadgil