

order of the same date 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 Prachi “Legally Free for Adoption” on 3rd October 2023.

4. The Prospective Adoptive Parents viz. Mr. Mayank Baxi and Mrs. Purva Kelkar (the “PAPs”) are Indian nationals, residing at Yerwada, Pune, both aged about 41 and 40 years respectively. They have been married for the past 15 years (9th February, 2010) with one biological daughter aged about 9½ years. The PAPs own a 2.5 BHK flat, which they have put on rent and stay in a rented house which consists of kitchen, living and three bedrooms with attached balcony as the location of this house is very convenient from their work place and has adequate space suitable for the child. The Prospective Adoptive father is working as a Vice President-IT with Credit Suisse Services Private Limited, Kharadi, Pune since 1st April, 2020 and his monthly (October-2024) gross salary is Rs. 4,17,817/-. The Prospective Adoptive mother is working as a Senior Technical Program Manager II with Avalara

India, Baner, Pune since 14th June, 2021 and her monthly (December-2024) gross salary is Rs. 3,12,463/-.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 11th 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. 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	06-02-2025	Minutes of Adoption Committee	A
2	03-10-2023	C.W.C. Legally Free for Adoption Order	B
3	28-07-2023	C.W.C. Admission Order	B-1
4	--	Adoptive Parents Age Proof	C
5	29-10-2010	Proof of Marriage of Adoptive Parents	C-1
6	19-08-2015 23-01-2025 14-02-2025	Birth Certificate of biological child-Mihika Consent Letter of biological child-Mihika Medical Certificate of biological child-Mihika	C-2
7	13-01-2025 23-01-2025	Medical Reports of Adoptive Father Medical Reports of Adoptive Mother	C-3

8	23-01-2025	Adoptive Parents Motivation Letter	C-4
9	--	Proof of Residence	D
10	--	PAN Card Copies of Adoptive Parents	D-1
11	23-01-2025	Consent, willingness and undertaking of Adoptive Parents	E
12	23-01-2025	Pre-Adoption Foster Care Agreement	F
13	-	Pay Slips and Income Tax Returns of Adoptive Father	G
14	-	Pay Slip and Income Tax Returns of Adoptive Mother	G-1
15	--	Supportive Financial Documents	G-2
16	13-02-2025	Child Care Plan Declaration	G-3
17	19-03-2024	Home Study Report Part I	H
18	19-03-2024	Home Study Report Part II	H-1
19	23-01-2024	References	I
20	--	Photograph of Adoptive Parents	J
21	23-01-2025	Child Security undertaking	K
22	07-01-2025	Child Study Report of Minor	L
23	09-01-2025	Medical Examination Report of Minor	L-1
24	23-01-2025	Child's New Name Statement	L-2
24	21-08-2023	HIV Report of Minor	L-3
25	--	Post Card Size Photo of Minor	L-4
26	11-03-2025	Consent Affidavit of Petitioner	M
27	22-01-2025	Undertaking of 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 I am of the view that the PAPs are physically fit, mentally alert, financially sound as well as psychologically and emotionally suitable to adopt Prachi and to provide a good upbringing to her. The couple have consented for the adoption. Earlier, the Home Study Report of the

Specialized Adoption Agency “SOFOSH-Society of Friends of the Sassoon Hospitals”, Pune, Maharashtra has also found the PAPs suitable for adopting a normal child between the age group of 0-2 years, although the PAPs already have one biological daughter viz. Mihika, who is 9 years old (Date of Birth : 15th August, 2015). The PAPs have empathy for the biological parents and understand that they might have abandoned the child because of social pressure and that the child has a right to live a wonderful and fulfilling life for which the PAPs would do all that it takes to give the child the life she deserves and will always try to inculcate good values in the child. That the PAPs would mould the child to be a mature and a responsible person and will not be too strict or too liberal in their approach towards the child, thus trying to be good role models for the child.

8. The PAPs got married on 9th February, 2010. The Prospective Adoptive mother was unable to cope up with her first pregnancy and her biological child-Mihika was born pre-mature. Fortunately, she had no medical complication and is healthy now. However, the couple's second child was delivered in the 7th month of pregnancy and did not survive. As the doctor had advised the couple that a pregnancy in future would be risky and that the couple should not think of having a

biological child, the couple thought about adoption as a better option for having a second child. The PAPs have discussed their decision of adoption with their family members and all have wholeheartedly accepted their decision of adoption. The couple and the family members are extremely happy to give a loving home to a family deprived child. The updated Home Study Report indicates that the PAPs' biological daughter – Mihika, aged 5 years, has shown her readiness for the proposed adoption. Mihika is very excited and is keenly waiting for her little sibling. Also the PAPs are well prepared for handling any difficult situation which may arise regarding the adjustment of their biological child and adopted child. Moreover, Mihika has given a letter expressing her willingness to accommodate her adopted sibling in their family. That Mihika is old enough to get a fair idea about the proposed adoption and seems to be very mature for her age. Thus, 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 PAPs have shared their decision of adoption with all other family members and all of them are very positive and supportive towards the decision of the couple. They are very anxiously awaiting

the arrival of the couple's child. Prachi was placed in the foster care of the PAPs on 13th February, 2025 pursuant to pre-adoption foster care undertaking dated 23rd January, 2025. The social worker recommends that the family is fit for adoption and has adequate monthly income and savings for day to day living and upbringing of the child. It is observed from the child care plan that the PAPs being aware of their responsibility would take care of the child dedicatedly by feeding, bathing and teaching all needs on daily basis without any hesitations and in this regard would also take support from the prospective grandparents and the child care plan appears satisfactory.

9. It is also noted that the medical reports of the PAPs indicate that they are mentally and physically fit to adopt and that Prachi is a normal and emotionally happy child and interacts well with others.

10. I have also interacted with the PAPs today and note their eagerness to adopt Prachi, who has been in their foster care since 13th February, 2025 without any complaints and they are present with the adoptive child today. It is observed that the child is very comfortable with the PAPs. The PAPs affection for the child also appears natural. I also interacted with Mihika and she also appeared to be a caring child looking forward to welcome Prachi.

11. The child security undertaking dated 23rd January, 2025 has been given by the brother and sister-in-law of the Prospective adoptive Mother.

12. Ergo, I am satisfied that it would be in Prachi's interest and welfare that she is adopted by the PAPs as the adoption will secure her upbringing and future.

13. 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.

14. 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.

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

15. The PAPs also desire that the name of minor “Prachi” be changed to “Pragnika Baxi”. I see no impediment.

16. 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 Pragnika Baxi 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 Pragnika Baxi ” born on 26/07/2023 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 ‘Prachi’ to ‘Pragnika Baxi’.

17. 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 her attaining majority.

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

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

(ABHAY AHUJA, J.)

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