

2. Saachi was admitted to the Petitioner Institution on 11th July 2023 for primary care and protection as the biological mother surrendered Saachi before the Child Welfare Committee (CWC), Mumbai City-II on 11th July 2023. The biological mother executed Deed of Surrender before the CWC on 11th July 2023 and the CWC recognized the admission after passing order of the said date, for primary care and protection and the child's safe custody 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 Saachi "Legally Free for Adoption" on 7th October 2024.

4. The Prospective Adoptive Parents viz. Mr. Ajay Kumar Mishra and Mrs. Asmita Chaturvedi (the "PAPs") are Indian nationals, residing at Flat No.802, Block-5, Sector 5, National Housing Complex, Khelgaon, P.O. Hotwar, PS-Sader, Ranchi-835217, Jharkhand, both aged about 33 and 34 years respectively. They have been married for the past 7 years (10th February 2018) with no biological children. The PAPs have their own house in Ranchi although the same is on loan from State Bank of India and the EMI is Rs.30,000/- p.m. The Prospective

Adoptive father is working as an Area Manager with Bull Machines Pvt. Ltd., Toli, Ranchi since 18th August 2024 and his monthly income is Rs.97,083.75/-. The Prospective Adoptive mother is a homemaker. They also have Fixed Deposits in the Post Office.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 28th 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. The Petitioner Institution’s recognition is valid upto 5th May 2025.

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.	29.11.2024	Minutes of Adoption Committee	“A”
2.	07.10.2024	Child Welfare Committee’s Legally Free for Adoption Order	“B”
3.	11.07.2024	Child Welfare Committee’s Admission Order	“B-1”
4.		Adoptive Parents Age Proof	“C”
5.	16.07.2024	Proof of Marriage of Adoptive Parents (Marriage Certificate)	“C-1”

6.	20.01.2025	Medical certificates of adoptive parents	“C-2”
7.	07.12.2024	Adoptive parents motivation letter	“C-3”
8.		Proof of Residence (Electricity Bill)	“D”
9.		PAN & Aadhar Copies of Adoptive Parents	“D-1”
10.	07.12.2024	Consent, willingness and undertaking of Adoptive Parents	“E”
11.	07.12.2024	Pre-adoption Foster Care Agreement	“F”
12.	08.11.2024	Salary Certificate and Form No.16 of Adoptive Father	“G”
13.		Supportive financial documents	“G-1”
14.	21.03.2024	Self Assessment Reports	“H”
15.	21.03.2024	Home Study Reports	“H-1”
16.	20.01.2025	Reference letters	“I”
17.		Photographs of Adoptive Parents	“J”
18.	07.12.2024	Child Security Undertaking	“K”
19.	25.10.2024	Child Study Report	“L”
20.	21.10.2024	Medical Examination Report of Minor	“L-1”
21.		Name change statement	“L-2”
22.	24.09.2025	HIV Report of minor	“L-3”
23.		Post Card size photo of minor	“L-4”
24.	13.03.2025	Consent Affidavit/Undertaking by the Petitioner	“M”
25.	29.11.2024	Undertaking by 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 note that the PAPs are physically fit, mentally alert, financially sound

and highly motivated to adopt a child for providing a good upbringing to her. Both PAPs have consented. The PAPs are also socially, psychologically and emotionally suitable to adopt Saachi. The Home study report of the Specialized Adoption Agency “Karuna N.M.O.”, Ranchi, Jharkhand has also found the PAPs suitable for adopting a normal child between the age group of 0-2 years. The updated Home Study Report indicates that the PAPs are financially sound enough to take care of the child and bring up the child providing all the facilities and meet all the needs of the child in time. The motivation letter suggests that the PAPs desire to provide love, care and opportunities to a child in need and are passionate about making a positive impact on the lives of others and have realized that adoption is the most meaningful way to contribute to a child’s future. It has been observed that they do not suffer from any chronic, contagious or fatal disease and they are medically fit to adopt. The PAPs got married on 10th February 2018. They are quite comfortable with each other. The medical reports of the PAPs indicate that they do not suffer from any chronic, contagious or fatal disease and are fit to adopt. They are mentally and emotionally prepared for the adoption of a child.

8. The medical examination report of the child dated 21st October 2024 reveals that Saachi is developmentally normal. She is an

active child. Overall it has been observed that she is happy and content. It is observed from the report that the Prospective Adoptive Mother is full time available with the child for taking care. Saachi was placed in the foster care of the PAPs on 7th December 2024. The child security undertaking has been given by the prospective father's brother and sister-in-law.

9. I have also interacted with the PAPs today and note their eagerness to adopt Saachi, who has been in their foster care since 7th December 2024 and they are present with the adoptive child today. During the interaction, it emerges that the PAPs are living in a joint family consisting of prospective adoptive father's parents as well as his brother and sister-in-law and their son Ansh who is also happy to welcome Saachi. It is observed that the child is very comfortable with the PAPs. The PAPs affection for the child also appears natural.

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

11. 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.

12. 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.

13. The PAPs also desire that the name of minor “Saachi” be changed to “Antara”. I see no impediment.

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 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 female minor “Antara Mishra” born on 09/07/2024 and stating thereon that the Prospective Adoptive Parents are the parents of the said

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

minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from “Saachi” to “Antara Mishra”.

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 is disposed as above.

(ABHAY AHUJA, J.)

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