

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

IN ITS GENERAL AND INHERENT JURISDICTION

INDIAN ADOPTION PETITION NO. 21 OF 2025

WITH

JUDGE'S ORDER NO. 33 OF 2025

IN

INDIAN ADOPTION PETITION NO. 21 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Mr. Pratha Sami Mahadev Samai and

Mrs. Manashi Chakraborty Pratha Samai

..Proposed Adoptive Parents

And

Aahan Samai

...Minor

Ms.Aarti Kulkarni, Advocate for the Petitioner.

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

Mrs. Leelawati Belwalkar, Social Worker-Petitioner Trust present.

Mr. Partha Sami Mahadev Samai -Adoptive Father present.

Mrs. Manashi Chakraborty Partha Samai-Adoptive Mother present.

Kumar Aahan Samai, Minor present.

Mr. Dilip Gurav, Chamber Registrar, present.

CORAM : ABHAY AHUJA, J.

DATE : 3rd APRIL, 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 Jignesh born on 10th April, 2023, by the Prospective Adoptive Parents.

2. The biological mother surrendered Jignesh to the Child Welfare Committee (CWC), Mankhurd, Mumbai on 11th April, 2023 and he was admitted to the Petitioner institution as per order dated 13th April, 2023 of CWC, (I) Mumbai Suburban District, 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, Mankhurd, District Mumbai declared "Legally Free for Adoption" on 6th July, 2023.

4. The Prospective Adoptive Parents viz. Mr. Partha Samai and Mrs. Manashi Chakraborty (the "PAPs") are Indian nationals, presently residing at Chennai, Tamil Nadu, aged respectively about 48 and 45 years. They have been married for the past 6 years (11th May, 2018) with no biological children. The Prospective Adoptive Father was also married earlier on 7th March 2003 and divorced on 13th July 2017 with no issues from the marriage. The Prospective Adoptive father is working as a Vice President with Reliance JIO Infocomm Limited at Chennai since 27th September, 2021 and his monthly (March-2024)

gross salary is Rs.9,81,263/-. The Prospective Adoptive mother was employed as a Teacher at PSBBSS School, K.K.Nagar, Chennai and her annual income was Rs. 5,00,000/-. However, she resigned from her job for dedicating her time to take care of the minor, who has been in the foster care of the PAPs since 2nd May, 2024.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 23rd 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. As per the Representation from the ICSW the Petitioner Institution’s recognition to place children in adoption is valid for a period up to 5th July, 2025.

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	24-04-2024	Copy of the decision of the Adoption Committee.	A
2	06-07-2023	Child Welfare Committee Orders	B

3	15-10-1991 16-04-1980 11-05-2018 15-05-2017 10-04-2024 10-04-2024	Proposed Adopters Proof of Age Central Board of Secondary Education Certificate, Birth Certificate, Marriage Certificate, Divorce Decree, Medical Certificate, HIV Reports Motivation Letter of Adoptive Parents.	C
4		Proof of Residence Pan Card and Electricity Bill.	D
5	02-04-2024 02-04-2024	Consent, Willingness and undertaking by the Prospective Adoptive parents, Foster Care Agreement.	E
6	31-12-2021 31-07-2022 27-07-2023 March 2024 17-04-2024 31-07-2022 29-07-2023 18-04-2024	Indian Income Tax Return Acknowledgment of 1 st Proposed Adoptive Parent Indian Income Tax Return Acknowledgment of 1 st Proposed Adoptive Parent Indian Income Tax Return Acknowledgment of 1 st Proposed Adoptive Parent Pay Slip of 1 st Proposed Adoptive Parent Total Pay Statement of 1 st Prospective Adoptive Parent Income Tax Return Acknowledgment of 2 nd Prospective Adoptive Parent Income Tax Return Acknowledgment of 2 nd Prospective Adoptive Parent Supportive Financial Documents.	F
7	24-10-2020 28-10-2023 10-04-2024 10-04-2024	Home Study Report Home Study Report Reference Letters Family Photograph Undertaking by Relatives.	G
8	02-05-2024 02-05-2024 06-10-2023 11-02-2025 23-11-2024 06-07-2020 08-04-2024	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 of recognition to do in Country Adoption 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, mentally, financially, socially, psychologically and emotionally suitable to adopt Jignesh. The Home study report of the Specialized Adoption Agency “Vatsalya Trust”, Mumbai has also found the PAPs suitable for adopting a normal child between the age group of 2 to 4 years. The Updated Home Study Report/Post Placement Report and the Social Worker’s overall impression indicates the PAPs are mature and cultured. Their social status and also the economic and financial position indicates that the PAPs have desired to have a child by way of adoption and are eager to have a child and hence requested for male or female child upto two to four years. The Pre-adoption follow up report of the Specialized Adoption Agency “Holy Apostles Convent”, St. Thomas Mount, Chennai, reveals that the child has good attachment with the parents and it was observed that the parents are taking very good care and love the child who is healthy and very active.

8. It is also noted that Jignesh is a normal child with no developmental or milestone delays. The overall observation of the child reveals that up to now his overall development is within normal limits.

9. I have also interacted with the PAPs today and note their eagerness to adopt Jignesh, who has been under their foster care since 2nd May, 2024 without any complaints and they are present with the adoptive child today and observe a natural bonding between them.

10. The PAPs also desire that the name of minor 'Jignesh' be changed to 'Aahan Samai'.

11. I am satisfied that it would be in Jignesh's interest and welfare that he is adopted by the PAPs 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 :

(a) That the Prospective Adoptive Parents be given the said child in Adoption and be declared as parents with 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 minor Aahan Samai born on 10/04/2023 and stating that thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from Jignesh to "Aahan Samai" born on 10/04/2023.

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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.20,00,000/- 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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