

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

**IN ITS GENERAL AND INHERENT JURISDICTION**

**INDIAN ADOPTION PETITION NO. 22 OF 2025**

**WITH**

**JUDGE'S ORDER NO. 35 OF 2025**

**IN**

**INDIAN ADOPTION PETITION NO. 22 OF 2025**

**Vatsalya Trust, Mumbai**

**...Petitioner**

**And**

**T. S. Guru and Anr.**

**...Proposed Adoptive Parents**

Ms. Sangeeta Nagpal for the Petitioner.

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

Mr.T.S. Guru, Adoptive Father present.

Mrs. L.Akila, Adoptive Mother present.

Kumar Tirtha alias Aaradhya, Minor present.

Ms.Leelavati Belwalkar, Social Worker, present.

Mr. Dilip Gurav, Chamber Registrar, present.

**CORAM : ABHAY AHUJA, J.**

**DATE : 3<sup>rd</sup> APRIL, 2025  
(IN CAMERA IN VIDEO CONFERENCE ROOM)**

**PC. :**

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a female minor named Tirtha born on 16<sup>th</sup> January, 2024, by the Prospective Adoptive Parents.

2. The biological mother surrendered the female minor child before the Child Welfare Committee (CWC) on 13<sup>th</sup> February, 2024 and the surrendered child was admitted to the Petitioner institution as per order dated 13<sup>th</sup> February, 2024 of the CWC, (I) 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 7<sup>th</sup> May, 2024.

4. The Prospective Adoptive Parents viz. Mr. T. S. Guru and Mrs. L. Akila (the "PAPs") are Indian nationals, residing at Chennai, Tamil Nadu, both aged about 40 years. They have been married for the past 17 years (30<sup>th</sup> April, 2008) with no biological children. The Prospective Adoptive father is working as a Vice President, Financial Planning and Analysis Manager II with BNY Mellon International Operations, Chennai since 14<sup>th</sup> February, 2022 and his monthly (December-2024) gross salary is Rs. 3,19,583/-. The Prospective Adoptive mother is working as a Deputy Manager with Super Auto Forge Private Limited,

Chennai since 14<sup>th</sup> February, 2022 and her monthly (December-2024) gross salary is Rs. 54,001/-.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 28<sup>th</sup> 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 5<sup>th</sup> July, 2025.

6. Ms.Nagpal, 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       | 25-04-1984<br>31-01-1984<br>30-03-2021 | Birth Certificates of Prospective Adoptive Father<br>Pan Card of the Prospective Adoptive Father<br>Birth Certificates of Prospective Adoptive Mother<br>Pan Card of the Prospective Adoptive Father<br>Marriage Certificate of Proposed Adoptive Parents | A           |

|   |            |                                                                                                                      |   |
|---|------------|----------------------------------------------------------------------------------------------------------------------|---|
|   | 24-07-2024 | Character/Reference Certificates of Proposed Adoptive Parents                                                        |   |
|   | 25-07-2024 | Character/Reference Certificates of Proposed Adoptive Parents                                                        |   |
|   | 04.01.2024 | Medical including infertility Certificate                                                                            |   |
|   | 06.08.2024 | Fitness Certificate of Proposed Adoptive Father                                                                      |   |
|   | 07-08-2024 | Fitness Certificate of Proposed Adoptive Mother                                                                      |   |
|   | 24-11-2011 | Sale Deed in respect of accommodation of the Prospective Adoptive Parents.                                           |   |
| 2 | 23-07-2024 | Employment Certificates of Proposed Adoptive Father<br>Salary Slip for December 2024 of Proposed Adoptive Father     | B |
|   | 25-07-2024 | Employment Certificates of Proposed Adoptive Mother<br>Salary Slip for December 2024 of Proposed Adoptive Mother     |   |
|   | 27-07-2024 | Income Tax Returns of the Proposed Adoptive Father                                                                   |   |
|   | 22-07-2023 | Income Tax Returns of the Proposed Adoptive Father                                                                   |   |
|   | 30-07-2022 | Income Tax Returns of the Proposed Adoptive Father                                                                   |   |
|   | 27-07-2024 | Income Tax Returns of the Proposed Adoptive Mother                                                                   |   |
|   | 30-07-2023 | Income Tax Returns of the Proposed Adoptive Mother                                                                   |   |
|   | 30-07-2022 | Income Tax Returns of the Proposed Adoptive Mother<br>LIC premium Receipt of Proposed Adoptive Parents (Investments) |   |
| 3 | 20-01-2021 | Home Study Report<br>Photograph of Proposed Adopters/Parents                                                         | C |
|   | 23-07-2024 | Motivation letter of Adoptive Parents                                                                                |   |
| 4 | 24-07-2024 | Child Care Arrangement of Mother of Proposed Adoptive Father                                                         | D |
| 5 | 24-07-2024 | Undertaking of Sister and Brother in Law of Proposed Adopter No.1                                                    | E |
| 6 | 12-08-2024 | Child Study Report                                                                                                   | F |
|   | 15-02-2024 | Medical Report of the child including HIV Report                                                                     |   |
|   | 09-08-2024 | Minutes of Adoption Committee                                                                                        |   |
|   | 06-07-2020 | Recognition Certification of Petitioner Institution                                                                  |   |
| 7 | 13-04-2024 | Orders of Child Welfare Committee                                                                                    | G |
|   | 07-05-2024 | Order declaring child legally free for adoption.                                                                     |   |

|    |                          |                                                                                               |   |
|----|--------------------------|-----------------------------------------------------------------------------------------------|---|
| 8  | 23-07-2024               | Pre-adoption Foster care Agreement.                                                           | H |
| 9  | 24-07-2024<br>24-07-2024 | Applicant's Consent Affidavit<br>Name change letter<br>Post Card Size Photograph of minor     | I |
| 10 | 24-07-2024<br>23-01-2025 | Undertaking of Holy Apostles Convent, Chennai<br>Affidavit of Social Worker of Vatsalya Trust | J |

7. I have heard Ms.Nagpal, 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 Tirtha. The Home study report of the Specialized Adoption Agency "Holy Apostles Convent", Chennai has also found the PAPs suitable for adopting a normal girl child between the age group of 0-2 years. The Updated Home Study Report/Post Placement Report and the Social Worker's overall impression indicates the PAPs are healthy, energetic, well balanced psychologically, emotionally and financially more than sufficient to take care of the baby. It was observed that the family members and relatives are very eager to care for the baby and their home is conducive for the child and all the facilities are available. The report indicates that the PAPs will bring up the child well, provide all the facilities for the healthy growing and will play a good parenting role. That, the PAPs have good job and

education and are happy and contented couple and living peacefully. The Pre-adoption follow up report of the Specialized Adoption Agency “Holy Apostles Convent”, St. Thomas Mount, Chennai, reveals that the child is good, healthy, very active and is well attached to the parents having been in their foster care since 23<sup>rd</sup> July, 2024.

8. It is also noted that Tirtha is a normal child with no developmental or milestone delays. The overall observation of the child reveals that child’s development is a dynamic process and may show variation with time. At present up to now the child’s overall mental and physical development is within normal limits.

9. I have also interacted with the PAPs today and note their eagerness to adopt Tirtha, who has been under their foster care since 23<sup>rd</sup> July, 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 ‘Tirtha’ be changed to ‘Aaradhya G.’.

11. I am satisfied that it would be in Tirtha's interest and welfare that she is adopted by the PAPs as the adoption will secure her 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 10<sup>th</sup> January 2023 of this Court in the case of *Nisha Pradeep Pandya alias Nisha Amit Gor and Anr. Vs. Union of India and Ors*<sup>1</sup>, 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) For adoption of the Prospective female minor TIRTHA @ AARADHYA G. born on 16<sup>th</sup> January, 2024 by the Proposed Adoptive Parents under Juvenile Justice Act.

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<sup>1</sup> Writ Petition No. 1085 of 2023 (Writ Petition (L) No. 32065 of 2022).

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor.

(c) That the Proposed Adopters be granted permission to change the name of minor TIRTHA to AARADHYA G.

(d) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor G. AARADHYA, born on 16<sup>th</sup> January, 2024 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(e) That the Prospective Adoptive Parents may be granted leave to remove the said minor from the jurisdiction of his Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.

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.3,00,000/- 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.

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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