

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

INDIAN ADOPTION PETITION NO. 26 OF 2025

Vatsalya Trust, Mumbai

... Petitioner

And

Mrs. Vanita Jagdish Rupawate

...Prospective Adoptive Parent

**WITH
JUDGE'S ORDER NO. 39 OF 2025**

Ms. Aarti P. Kulkarni, Advocate for the Petitioner.

Mr. O. Hareendran, Scrutiny Officer-ICSW, present.

Ms. Anupama Sagun Dhuri-Social Worker of Petitioner Institution.

Mrs. Vanita Jagdish Rupawate, Adoptive mother with minor Jay present.

Mr. Rajendra Sudhakar Salve-brother of Adoptive Mother with Mrs. Savitribai Sudhakar Salve, Mother of Adoptive Mother present.

Mr. Dilip S. Gurav, Chamber Registrar, present.

CORAM : ABHAY AHUJA, J.

DATE : 24th APRIL 2025

(In Camera in mini conference room)

PC. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a male minor named Swaraj born on 15th August, 2023, by the Prospective Adoptive Parent.

2. Swaraj was admitted to the Petitioner Institution on 22nd August, 2023 for the child's care and safe custody under the provisions

of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”) as the biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban District on 22nd August, 2023.

3. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared Swaraj “Legally Free for Adoption” on 11th January, 2024.

4. The Prospective Adoptive Parent viz. Mrs. Vanita Jagdish Rupawate (the “PAP”) is single and is an Indian national, residing at Goregaon, Mumbai, aged about 47 years. She was married to one Mr. Jagdish Anant Rupwate on 19th July, 2010 and her husband expired on 24th October, 2020. The PAP resides in a three room house and the society has enough open space for the child to move around with all facilities available for education, medical and marketing and transport. The PAP is self-employed (business of bakery items from her home). She takes orders of variety of modak, chocolate, cakes, laddu and also sells falooda, ice cream and other sweet items in the name of “Jagdish’s Food”, which is authorised by FSSAI and she earns Rs. 10,000/- per

month from this business. The PAP also getting Rs. 30,500/- per month from rent. Her income for the Assessment Year 2024-25 is Rs 4,38,670/-.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 16th 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. The Petitioner institution’s recognition is valid 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	07-08-2024	Decision of the Adoption Committee	A
2	11-01-2025	Child Welfare Committee Orders	B
3	08-10-1977 19-07-2010 24-10-2020 31-07-2024 30-07-2024	PAP’s :-birth certificate, marriage certificate, death certificate of PAPs’ husband Medical Certificate, HIV Report	C

	--	Motivation Letter	
4	--	Residence proof, PAN Card and Electricity Bill	D
5	20-08-2024 09-08-2024	Consent, Willingness and undertaking by the PAP Foster care agreement	E
6	2022 to 2025	Income Tax return acknowledgment, statement of income of PAP and supportive financial documents.	F
7	30-01-2024 -- -- 01-08-2024	Home Study Report Reference Letters Family Photograph Undertaking by relatives	G
8	29-05-2024 29-05-2024 -- 06-04-2024 -- 06-03-2025 06-07-2020 29-07-2024	Child Study Report Medical Report of Child Name Change letter HIV Report of Children Photograph of child Consent affidavit of PAP Certificate of recognition and 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 PAP is physically fit, mentally alert, financially sound and highly motivated and psychologically and emotionally suitable to adopt Swaraj for providing a good upbringing to him.

8. Perusal of the motivation letter at page 29 indicates that both the PAP and her husband Mr. Jagdish Anant Rupwate had been trying to conceive since many years but failed and since they always wanted a

child they decided to adopt after thinking about for a year. That initially they did not get proper guidance and thereafter a friend of her's who had adopted earlier gave her information and guidance about the procedure and therefore she has become confident to adopt a child. This Court is informed that the single PAP's husband unfortunately passed away during the Covid-19 pandemic.

9. The Home study report of the Specialized Adoption Agency "St. Catherine's Home", Mumbai has also found the PAP suitable for adopting a normal boy child of the age group below two years. The updated Home Study Report indicates that the PAP has received good support and encouragement from her family members and friends in her decision to adopt a child. The social worker had recommended PAP as eligible single mother to adopt a child observing that the PAP runs a small bakery business. That she has given two rooms on rent from which she gets an annual income of Rs. 3 lacs and that she has invested in LIC policies, gold worth Rs. 8 lacs and has a plot in Gujarat. That she also has parental property in Akola. That she has a four wheeler and that she is in a good financial position to take care of the child. The PAP and her late husband were desirous of adopting child but unfortunately her husband passed away and PAP wants to make their

dream come true. That PAP will take responsibility for the child and wants to give all her love and affection to the child from her and on behalf of her husband. Swaraj was placed in the foster care of the PAP on 14th August, 2024. The in Country Post Adoption follow up progress report dated 31st March, 2025, of the Specialized Adopted Agency “St. Catherine’s Home”, Mumbai reveals that all family members are happy. Everyone likes to play with the child and to take him out in garden for playing. The child has learned to walk and run. That since he is the youngest in the house everyone likes to pamper him. Additionally, his social development is normal and he is very well adjusted in the family. The social worker feels that the child is a active child and he is growing in a good family atmosphere. It is observed from the report that the PAP will always be present with the child since she runs business from home to take care of the child. Also the mother of the PAP stays at home with the PAP and who gets a pension.

10. The medical certificate of the PAP indicates that although she has hypothyroidism she does not suffer from hypertension/major illness/communicable disease and that she is mentally and physically fit. Swaraj’s medical reports suggest that Swaraj’s development is a dynamic process and may show variation with time and at present up

to now his overall mental and physical development is within normal limits.

11. I have also interacted with the PAP today and note her eagerness to adopt Swaraj, who has been in her foster care since 14th August, 2024 without any complaints and she is present with the adoptive child today. It is observed that within the short span of time, the child is emotionally well connected to the parent. The PAP's affection for the child also appears natural.

12. The child security undertaking has been given by the sister and brother-in-law of the PAP.

13. Ergo, I am satisfied that it would be in Swaraj's interest and welfare that he is adopted by the PAP as the adoption will secure his upbringing and future.

14. 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.

15. 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.

16. The PAP also desire that the name of minor “Swaraj” be changed to “Jay Jagdish Rupawate”.

17. Ergo, the Petition is allowed in terms of prayer clauses (a) to (d), which reads thus :

(a) That the Prospective Adoptive Parent be given the said child in Adoption and be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor.

(b) That the Prospective Adoptive Parent 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

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

Certificate in the name of the said minor Jay Jagdish Rupawate born on 15/08/2023 and stating that thereon that the Prospective Adoptive Parent as the Parent of the said minor.

(d) That the Prospective Adoptive Parent be allowed to change the name of the minor from Swaraj to Jay Jagdish Rupawate born on 15/08/2023.

18. Further, considering that the Prospective Adoptive Parent is a single lady of the age of 47 years living with her mother who is aged 67 years, the Petitioner trust is directed to through a qualified social worker visit the Adoptive Parent at least once a month till Jay Jagdish Rupawate attains the age of majority and report to this Court if there is anything abnormal.

19. The Adoptive Parent is at liberty to approach the Petitioner Institution as well as the concerned Child Welfare Committee and/or the Senior Police Inspector of the concerned Police Station at any time as and when needed and all these authorities to expeditiously and on a priority basis attend the Adoptive Parent and render all the assistance.

20. 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.

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

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

(ABHAY AHUJA, J.)

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