

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

INDIAN ADOPTION PETITION NO. 28 OF 2025

Maharashtra State Women's Council

Adoption Group

... Petitioner

And

Amit Ashok Kale and

Anuradha Amit Kale

...Co-Petitioners/Proposed Adopters

**WITH
JUDGE'S ORDER NO. 40 OF 2025**

Ms. Dipal S. Mehta, Advocate for the Petitioner.

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

Ms. Ujwala Hemraj Ashtankar-Social Worker of Petitioner Institution.

Mr. Amit Kale-Adoptive Father with Mrs. Anuradha Kale-Adoptive Mother and Rachit @ Advay Minor are present.

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

CORAM : ABHAY AHUJA, J.

DATE : 8th MAY 2025

(In Camera in mini conference room)

PC. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption by the Prospective Adoptive Parents (PAPs) of a male minor named Rachit born on 22nd June, 2024.

2. Rachit was admitted to the Petitioner Institution on 27th June, 2024 for the child's care and safe custody under the provisions of

Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”). Thereafter, the biological mother executed a Deed of Surrender dated 28th June, 2024 before the CWC, Mumbai -City II and on the same day, the child’s safe custody was given to the Petitioner as per order of the CWC.

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 Rachit “Legally Free for Adoption” on 10th September, 2024.

4. The Prospective Adoptive Parents viz. Mr. Amit Ashok Kale and Mrs. Anuradha Amit Kale are Indian nationals, residing at Dombivali, District Thane, both aged about 45 years and have been married for past 14 years (2nd December, 2010) with no biological/adopted children. The PAPs live in a 2 BHK self owned house in Dombivali. The Prospective Adoptive Father is working as a manager in the Export Department with Agio Pharmaceuticals Limited, Mumbai since July, 2024 and his monthly (January-2025) gross salary is Rs. 57,461/- and has filed a return of Rs.4,50,020/- but now it is Rs.7,44,000/- p.a. The Prospective Adoptive Mother is working as a

manager in the Analytical Department of Sitec Labs Limited, Mahape, Navi Mumbai since 18th November, 2014 and her monthly (February-2025) gross salary is Rs. 99,171/- and Rs.11,11,282/- per annum as per the ITR. They also have one shop and flats in Dombivali which have been rented out although there is a home loan where the EMI is Rs.40,850/- per month.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 27th 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. Ms. Mehta, 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	06-03-2025	True Copy of the Minutes of the Adoption Committee Meeting.	A

2	28-06-2024	C.W.C.'s Safe Custody Order	B
3	10-09-2024	Legally Free for Adoption Order	B-1
4	10-09-2024	CWC's admission to Institution	B-2
5	12-03-2025	Photograph of the minor Rachit	B-3
6	--	Letter of Motivation of the Co-Petitioners	C
7	29-09-2023	Copy of the Passport of the Prospective Adoptive Father being the proof of his date of birth	C-1
8	09-06-1983	Copy of the Birth Certificate of the Prospective Adoptive Mother being the proof of her date of birth	C-2
9	22-02-2025	Medical Report of PAPs.	C-3 & 4
10	04-06-2011	Marriage Certificate of the PAPs	C-5
11	12-03-2025	Photograph of the PAPs.	C-6
12	11-03-2025	Name Change letter	C-7
13	06-03-2025	PAPs letter accepting the minor cum waiver of medical opinion	C-8
14	31-01-2025	Copy of Maintenance Receipt, being the proof of their present residence	D
15	11-03-2025	Declaration of consent & Willingness to adopt	E
16	11-03-2025	PreAdoptive Foster Care Affidavit	E-1
17	January 25	Prospective Adoptive Father's Pay Slip	F
18	December 24	First Co-Petitioner's Pay Slip	F-1
19	November 24	First Co-Petitioner's Pay Slip	F-2
20	2024-25 2023-24 2022-23	Income Tax Returns of Prospective Adoptive Father	F-3
21	December 24	Prospective Adoptive Mother's Pay Slip	F-4
22	January 25	Prospective Adoptive Mother's Pay Slip	F-5
23	February 25	Prospective Adoptive Mother's Pay Slip	F-6
24	2024-25 2023-24 2022-23	Prospective Adoptive Mother's Income Tax Returns	F-7
25		Copy of PAN Card of Prospective Adoptive Father	F-8
26		Copy of PAN Card of Prospective Adoptive Mother	F-9
27	30-05-2022	HDFC Life Policy of Prospective Adoptive Father	F-10
28	01-03-2025	Bank Statement of Prospective Adoptive Father	F-11
29	01-03-2025	Bank Statement of Prospective Adoptive Mother	F-12
30	01-10-2024	Fixed Deposit of Prospective Adoptive Father	F-13
31	10-05-2022	HDFC Life Policy of Prospective Adoptive Mother	F-14
32	18-02-2025	Premium Payment Statement of Prospective Adoptive Father	F-15
33	16-07-2024	Letter of Appointment of Prospective Adoptive Father	F-16

34	28-02-2025	Home loan interest certificate	F-17
35	18-03-2025	Self Declaration of assets and liabilities of PAPs	F-18
36	11-03-2025	Child Care Arrangement Undertaking	F-19
37	17-02-2023	Home Study Report	G
38	--	Letter of References	H
39	06-03-2025	Child Study Report of Minor	I
40	06-03-2025	Medical Examination Report of Minor	I-1
41	26-08-2024	HIV Test Report of Minor	I-2
42	18-03-2025	Undertaking from Janani Ashish Charitable Trust	J
43	11-03-2025	Child Security Undertaking	K
44	24-03-2025	Affidavit of Convener of Maharashtra State Women's Council Adoption Group	L

7. I have heard Ms. Mehta, 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 and psychologically and emotionally suitable to adopt Rachit for providing a good upbringing to him.

8. Perusal of the motivation letter at page 27 indicates that both the PAPs believe that adoption is a beautiful journey of love, growth and transformation and is a reminder that family is not just defined by biology but by heart and commitment to one another. The PAPs as a parent are keen to open their heart and home and to show the world that family is not accident of birth but a choice of love which is the

most beautiful gift they can give to their child. The PAPs are prepared for challenges and joys that come with parenting, celebrating milestones and providing safe space and best possible environment where the child can always feel loved and cared.

9. The Home study report of the Specialized Adoption Agency “Janani Ashish Charitable Trust”, Thane has found the PAPs are suitable for adopting a normal boy child upto 0-2 years of age. The updated Home Study Report indicates that the PAPs have discussed about adoption with their family and they have been reading about it since quite long and both are mentally prepared for it. Prospective Adoptive Mother had tried IVF four times, endoscopy, Hysteroscopy, Surrogacy but nothing worked out. Therefore, the PAPs decided to go for an adoption to complete their family. The PAPs have assured that they will provide best medical as well as education facility to the child. The PAPs have a good family background. Couple is sensitive and are aware of child development, culture and adoption issues that may arise. They are financially good but the adoption Counselor has asked them to make more of investments. Their family is supportive regarding their decision. They have received good support and encouragement from their parents and siblings. The PAPs have a mutual understanding

relation between both. They are mentally prepared for adoption and upcoming challenges of post adoption. That they are from well to do family and are hardworking by nature. They don't have any unrealistic expectation from the child. The PAPs have ensured that they will be completely supportive and patient with the child. The social worker had recommended that the PAPs should be reassessed at the time of Adoption Committee Meeting on all the aspects covered in this Home Study Report, as the matters regarding health, income, property personal habits, address, marital relationship and children may undergo a change by the time a child is referred to the PAPs. The Adoption Committee Meeting was held on 6th March, 2025 and thereafter, the Petition was filed on 25th March, 2025.

9A. Rachit was placed in the foster care of the PAPs on 24th March, 2025. The updated Home Study Report of the Specialized Adopted Agency "Janani Ashish Charitable Trust", Thane reveals the that the PAPs are very comfortable about the upbringing of the child. It is observed from the report that the Prospective Adoptive Mother will not be attending her place of employment for four months from the date of Court order and after four months mother of Prospective Adoptive Father will take care of Rachit.

10. The medical certificate of the PAPs indicates that though the PAPs are mentally and physically fit, the Prospective Adoptive Father has Type II Diabetes and is taking medication for the same. Rachit's medical reports suggest that Rachit is a normal healthy child.

11. I have also interacted with the PAPs today and note their eagerness to adopt Rachit, who has been in their foster care since 24th March, 2025 without any complaints and they are present with the adoptive child today. The child appears to have emotionally well connected with the parents. 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 Prospective Adoptive Mother.

13. Ergo, I am satisfied that it would be in Rachit's interest and welfare that he is adopted by the PAPs 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 PAPs also desire that the name of minor “Rachit” be changed to “Advay Amit Kale”.

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

(a) This Hon’ble Court may be pleased to appoint the Co-Petitioners, Amit Ashok Kale and Anuradha Amit Kale as the adoptive parents of the male minor, Rachit @ Advay Amit Kale, in the care of the Maharashtra State Women’s Council Adoption Group at Maharashtra State Women’s Council Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai-400 009.

(b) That the Co-Petitioners be allowed to change the name of the minor from ‘Rachit’ to ‘Advay Amit Kale’.

(c) That the Co-Petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon’ble Court

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

and to take the minor along with them i.e. to the Co-Petitioners' family wherever they may reside or their work may require them to.

(d) That the concerned Municipal Authority/The Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of the Petitioner, as per the provisions of the regulation 36 of the Adoption Regulations.

18. 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.

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

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

(ABHAY AHUJA, J.)

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