

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

INDIAN ADOPTION PETITION NO. 29 OF 2025

St. Catherine's Home, Mumbai ... Petitioner

And

Mr. Sumit Singh and

Mrs. Kumari Archana ...Prospective Adoptive Parents

**WITH
JUDGE'S ORDER NO. 41 OF 2025**

Mr. Rakesh Kapoor i/b M/s Rakesh K. L. Kapoor & Co., for Petitioner.

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

Ms. Norin Jancintha D'Souza-Social Worker present.

Mr. Sumit Singh and Mrs. Kumari Archana- Prospective Adoptive
Parents with Aayansh- Minor 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 Shriyansh born on 27th April, 2024.

2. Shriyansh was surrendered by the biological mother before the Child Welfare Committee (CWC), Mumbai Suburban District on 1st August, 2024 and was admitted to the Petitioner Institution on 5th

August, 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").

3. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the said Act, the CWC-II, Mumbai suburban District, Matunga, declared Shriyansh "Legally Free for Adoption" on 14th October, 2024.

4. The Prospective Adoptive Parents viz. Mr. Sumit Singh and Mrs. Kumari Archana are Indian nationals, residing at Indore, Madhya Pradesh, both aged about 37 and 35 years respectively and have been married for past 9 years (28th April, 2016) with no biological children. The Prospective Adoptive Father is working as a Store-Executive with Pratap Snacks Limited, Indore since 1st April, 2013 and his monthly (November-2024) gross salary is Rs. 23,878/-. The Prospective Adoptive Mother is a homemaker. PAPs also have agricultural land valued at 7 Lacs.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare ("ICSW"), present at today's hearing has tendered the

representation dated 28th 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. 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	27-12-24	Minutes of Adoption Committee	A
2	14-10-24	CWC Legally Free for Adoption order	B
3	05-08-24	CWC admission order	B-1
4	--	Age proof of PAPs	C
5	--	Proof of Marriage of PAPs	C-1
6	07-12-24	Medical Reports of PAPs	C-2
7	17-12-24	Motivation Letter	C-3
8	--	Proof of Residence of PAPs	D
9	--	PAN Card copies of PAPs	D-1
10	17-12-24	Consent, willingness and undertaking of PAPs	E
11	17-12-24	Pre-adoption foster care agreement	F
12	17-12-24 01-04-13 November-24	Prospective Adoptive Father's Income affidavit Employment certificate pay slips	G
13	--	supportive financial documents	G-1
14	18-01-24	Home Study Report-Self Assessment by PAPs	H
15	18-01-24	Home Study Reports-II	H-1
16	12-12-24	Reference Letters	I
17	-	Photograph of PAPs	J
18	09-01-25	Child Security Undertaking	K
19	27-12-24	Child Study Report	L

20	27-04-24	Medical Examination Report of Minor	L-1
21	17-12-24	Name Change statement	L-2
22	08-08-24	HIV Report of Minor	L-3
23	--	Post card size photo of minor	L-4
24	27-03-25	Consent Affidavit/Undertaking by the Petitioner	M
25	17-12-24	Undertaking regarding post adoption followup reports	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 and psychologically and emotionally suitable to adopt Shriyansh for providing a good upbringing to him.

8. Perusal of the motivation letter at page 39 indicates that both the PAPs are fully aware of the lifelong commitment that adoption entails and they both are excited and prepared for this responsibility. Their home is filled with warmth, love and understanding and they are ready to welcome a child who will be treated with the utmost care, respect and love.

9. The Home study report of the Specialized Adoption Agency “Matruchhaya Sewa Bharti”, Indore, Madhya Pradesh has found the

PAPs are well established financial voices looking after a child. The PAPs are financially, educationally and socially competent and equipped with all the amenities. The PAPs have their own house each Hall-2, Room-2 and Kitchen-1 with all facilities. Home environment is conducive for the child. That they need a child for family fulfillment and they will give parental love and affection to the child and strongly recommend the PAPs be given a child in adoption. That the couple are both emotionally healthy to take care of a child.

10. Shriyansh was placed in the foster care of the PAPs on 29th December, 2024. The updated Home Study Report of the Specialized Adopted Agency “Matruchhaya Sewa Bharti”, Indore, Madhya Pradesh reveals that the PAPs are suitable for adopting a child. That they are capable of sorting out any problem by themselves. That they think family and surrounding environment play a large role in a child’s life.

11. The medical certificate of the PAPs indicates that the PAPs are mentally and physically fit to adopt the child. Shriyansh’s medical reports suggest that Shriyansh was born prematurely in the 7th Month of pregnancy with a birth weight of 1.3 kgs and was admitted in the NICU of a municipal hospital for 56 days requiring IV feeds and gradually shifted to oral feeds. Shriyansh’s USG skull done was within

normal limits. The BERA and 2DECHO screening was done at the age of 5 months, which also were within normal limits. His ROP screening done showed him to have evidence of stage I zone 2 ROP which was treated with laser. His followup with the vitreoretinal surgeon after admission to the Petitioner showed that the retina was normal. After discharge he was transferred to the Petitioner's Home. At present he is growing well physically, mentally and is not showing any evidence of any neuro-developmental delay of any kind so far.

12. I have also interacted with the PAPs today and note their eagerness to adopt Shriyansh, who has been in their foster care since 29th December, 2024 without any complaints and they are present with the adoptive child today. It is observed that within the short span of time, the child is emotionally well connected to the parents. The PAPs' affection for the child also appears natural.

13. The child security undertaking has been given by the brother of the Prospective Adoptive Mother.

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

15. 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.

16. 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.

17. The PAPs also desire that the name of minor “Shriyansh” be changed to “Aayansh Singh”.

18. The Petition is accordingly allowed in terms of prayer clauses (a) to (d), which read thus :

(a) That the Prospective Adoptive Parents be given the said child Aayansh Singh in Adoption and 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 male minor Aayansh Singh from the jurisdiction of this Hon’ble Court and to take the said minor

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

out of the jurisdiction fo this Hon'ble Court whenever required.

(c) That the concerned Municipal Authority/The Birth Certificate Issuing Authority may be directed to issue Birth Certificate in the name of the said minor Aayansh Singh, born on 27/04/2024 and stating thereon that the Prospective Adoptive Parents are parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from "SHRIYANSH" to "Aayansh Singh".

19. 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.

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

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

(ABHAY AHUJA, J.)

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Nikita Gadgil

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