

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

INDIAN ADOPTION PETITION NO. 30 OF 2025

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

And

Mr. Vishal Sanatkumar Mehta and
Mrs. Tejal Vishal Mehta ... Prospective Adoptive Parents

**WITH
JUDGE'S ORDER (L) NO. 9905 OF 2025**

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

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

Ms. Norin Jacintha D'souza-Social Worker of Petitioner Institution.

Mr. Vishal Sanatkumar Mehta-Adoptive Father, Mrs. Tejal Vishal Mehta-Adoptive Mother along with Dhruvi 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 of a female minor named Sayli born on 17th August, 2024.

2. Sayli was admitted to the Petitioner Institution on 21st 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"). Thereafter, Deed of Surrender was executed by the biological

mother before the Child Welfare Committee (CWC)-II, Mumbai Suburban District, on 22nd August, 2024, for the child's future rehabilitation.

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-II declared Sayli "Legally Free for Adoption" on 25th November, 2024.

4. The Prospective Adoptive Parents viz. Mr. Vishal Sanatkumar Mehta and Mrs. Tejal Vishal Mehta (the "PAPs") are Indian nationals, residing at Dewas, Madhya Pradesh, aged about 41 and 42 years respectively and have been married for the past 14 years (12th March, 2011) with no biological children. The PAPs stay in a 900 sq ft. rental accommodation having one hall, two bedrooms, kitchen cum dining room and open space at Devas in a residential area where all the facilities are available and have sufficient space for child. PAPs in addition have their own home at Akola admeasuring 970 sq. ft area. The Prospective Adoptive father is working as a Manager with HDFC Bank and currently posted at Devas Branch, Madhya Pradesh and his monthly (January-2025) gross salary is Rs. 65,495/-. There also appears to be investments of Rs.9 lacs and LIC policies of Rs.3 lacs. The

Prospective Adoptive mother is a homemaker.

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	13-02-2025	Minutes of Adoption Committee	A
2	25-11-2024	C.W.C. Legally Free for Adoption Order	B
3	21-08-2024	C.W.C. Admission Order	B-1
4	--	Age Proof of Adoptive Parents	C
5	22-03-2021	Proof of Marriage of Adoptive Parents	C-1
6	25-01-2025	Medical Reports of Adoptive Parents	C-2
7	03-02-2025	Adoptive Parents Motivation Letter	C-3
8	-	Proof of Residence	D
9	-	PAN and Aadhar Card copies of Adoptive Parents	D-1
10	30-01-2025	Consent, willingness and undertaking of PAPs.	E
11	30-01-2025	Pre-Adoption foster Care Agreement	F
	Nov-24 to Jan-25 2022-2025	Pay Slips of November-24 to January- 25 and Income Tax Returns of Adoptive Father	G
12	--	Supportive Financial Documents	G-1

13	05-06-2021 & 21-05-2024	Self Assessment Reports by PAPs	H
14	05-06-2021	Home Study Report	H-1
15	21-05-2024	Updated Home Study Report	H-2
16	27-01-2025	Reference Letters	I
17	--	Photograph of Adoptive Parents	J
18	30-01-2025	Child Security Undertaking	K
19	14-02-2025	Child Study Report of minor	L
20	14-02-2025	Medical Examination Report of Minor	L-1
21	03-02-2025	Name change statement of Adoptive Parents	L-2
22	24-08-2024	HIV Report of Minor	L-3
23	--	Post Card Photo of Minor	L-4
24	27-03-2025	Consent Affidavit/Undertaking by the Petitioner	M
25	01-02-2025	Undertaking regarding post adoption Follow-up 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 PAP is physically fit, mentally alert, financially sound and highly motivated and psychologically and emotionally suitable to adopt Sayli for providing a good upbringing to her.

8. Perusal of the motivation letter at page 30 indicates that the PAPs had tried a lot for child, did many medical treatments including IVF but without any success. After being encouraged by one of the friends for adopting child and after visiting the orphanage, they got motivated for adopting a child and thought that by adopting a child

their family will be complete and a small child will get parents and good life.

9. There are two Home Study Reports. First Home Study Report is when the PAPs were in Amravati and the second Home Study Report is from Indore as the Prospective Adoptive Father is posted there. Both the Home Study Reports have recommended the PAPs for adoption. The Home study report has found that the PAPs are married for last more than 10 years and have tried a lot to have biological child, but in vain and are now eager to become parents through adoption. The updated Home Study Report of Specialized Adoption Agency “Matruchhaya Sewa Bharati” Indore, Madhya Pradesh indicates that the PAPs are financially stable and having good family support. They don’t have any biological child due to medical reason. That they are interested in adopting a male or female child under two years of age. That they are mature, well mannered, sensitive and responsible persons. They are physically and mentally capable of taking care of an adopted child. They desire to adopt a physically and mentally healthy child. The social worker has recommended that a minor child can be placed with them.

10. The medical certificate of the PAPs indicates that PAPs are

physically and mentally fit. Sayli's medical reports suggest that Sayli is socially adaptable and responds by babbling when being spoken to. She is growing well physically and neurologically so far.

11. I have also interacted with the PAPs today and note their eagerness to adopt Sayli, who has been in their foster care since 14th February, 2025 without any complaints and she is present with the PAPs 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. Since the Prospective Adoptive Mother is a home maker, there is no necessity of a child care plan. It has been submitted that the Prospective Adoptive Father's father is also at home.

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

13. Ergo, I am satisfied that it would be in Sayli's interest and welfare that she is adopted by the PAPs as the adoption will secure her 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 “Sayli” be changed to “Dhruvi Vishal Mehta”.

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

(a) That the Prospective Adoptive Parents be given the said child Dhruvi Vishal Mehta 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 female minor Dhruvi Vishal Mehta 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.

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(c) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Dhruvi Vishal Mehta, born on 17/08/2024 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 Sayli to Dhruvi Vishal Mehta.

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 her 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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