

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

INDIAN ADOPTION PETITION NO. 32 OF 2025
WITH
JUDGE'S ORDER NO. 44 OF 2025
IN
INDIAN ADOPTION PETITION NO. 32 OF 2025

VATSALYA TRUST, MUMBAI)...PETITIONER
AND
1) SUNIL ANAND BHAVAR)...PROPOSED
2) MUGDHA SUNIL BHAVAR) ADOPTIVE PARENTS

Ms.Aarti Kulkarni, Advocate for the Petitioner.

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

Ms.Anupama Sagun Dhuri, Social Worker, Vatsalya Trust, Mumbai,
present.

Mr.Sunil Anand Bhavar, Adoptive Father and Mrs.Mugdha Sunil Bhavar,
Adoptive Mother and Minor Aaradhita @ Anagha present.

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

CORAM : ABHAY AHUJA, J.
DATE : 8th MAY 2025
(In Camera in mini conference room)

P.C. :

1. This Indian Adoption Petition by the Petitioner seeks an order
permitting adoption of a female minor named Aaradhita born on 19th
February 2024, by the Proposed Adoptive Parents.

2. Aaradhita was surrendered by her biological mother before the Child Welfare Committee (CWC), Mumbai Suburban District on 22nd February 2024 and the CWC, Mankhurd, Mumbai admitted her to the Petitioner Institution by order of the same date under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”) for primary care and protection and the child’s safe custody.

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 Surabhi “Legally Free for Adoption” on 7th May 2024.

4. The Prospective Adoptive Parents viz. Mr.Sunil Anand Bhavar and Mrs.Mugdha Sunil Bhavar (the “PAPs”) are Indian nationals, residing at Kalwa, District Thane, aged about 45 and 39 years respectively. They have been married for the past 15 years (27th November 2009) with no biological children. Though the

PAPs own a 2 BHK apartment at Vasai, they are staying with the parents of the Prospective Adoptive Father in a 750 sq. feet 2 BHK flat in Kalwa, Thane, which is a well furnished flat with all the facilities and required furniture, ample children's play area and with modern amenities. The Prospective Adoptive Father is working as a Regional Sales Manager with Esri India Technologies Limited, Mumbai, since 25th July 2019 and his monthly (August 2024) gross salary is Rs.1,52,453/-. The Prospective Adoptive Mother is working as a Deputy Manager with Fleet Management India Private Limited, Mumbai, since 1st July 2014 and her monthly (August 2024) gross salary is Rs.69,656/-.

5. Mr.O.Hareendran, Scrutiny Officer, Indian Council of Social Welfare ("ICSW"), present at today's hearing has tendered the representation dated 4th 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.Aarti 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	09-10-2024	Copy of the decision of the Adoption Committee	A
2	07-05-2024	Child Welfare Committee Orders	B
3	20-11-1980 03-11-2006 08-01-2010 25-09-2024 22-09-2024 12-02-2025	Proposed Adopters Proof of Age Birth Certificate of Proposed Adoptive Father Leaving Certificate of Proposed Adoptive Mother Marriage Certificate Medical Certificate of Proposed Adoptive Parents HIV Reports of Proposed Adoptive Parents Motivation Letter of Adoptive Parents.	C
4	-- January 2025	Proof Residence PAN Card of Proposed Adoptive Parents Electricity Bill	D
5	10-10-2024 24-09-2024	Consent, Willingness and undertaking by the Proposed Adoptive Parents Foster Care Agreement	E
6	25-07-2019 01-07-2014 2022-2023 2023-2024 2024-2025 June 2024 July 2024 August 2024 15-09-2021	Appointment Letter of Proposed Adoptive Father Appointment Letter of Proposed Adoptive Mother Indian Income Tax Return Acknowledgments of Proposed Adoptive Parents Pay Slips of Proposed Adoptive Parents Supportive Financial Documents (Bharti AXA Life Insurance Policy of Proposed Adoptive Mother)	F

	20-09-2024	Supportive Financial Documents (Mutual Fund Investments details from Priyarth Ventures Pvt. Ltd.)	
7	06-04-2023 24-09-2024 24-09-2024 25-09-2024	Home Study Reports Reference Letters Photograph of Proposed Adoptive Parents Undertaking by Relatives	G
8	16-10-2024 16-10-2024 -- 24-02-2025 -- 24-09-2024 06-03-2025 11-05-2024 06-07-2020 15-09-2024	Child Study Report Medical Report of the Child Name Change Letter of Child HIV Report of Child Post Card Size Photograph of the minor Child Care Affidavit Applicant's Consent Affidavit Resolution Letter Copy of Certificate of recognition to do in Country Adoption Undertaking by Agency	H
9	06-03-2025	Affidavit in Support by the Petitioner	

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 PAPs are physically fit, mentally alert, financially sound and psychologically and emotionally suitable to adopt Aaradhita. Both the PAPs have given their consent.

8. The Home study report of the Specialized Adoption Agency "Janani Ashish Charitable Trust" has also found the PAPs suitable for

adopting a normal female child between the age group of 0 to 2 years. The PAPs got married on 27th November 2009 and are happily married for the last 14 years and share a strong marital bond. The PAPs are mature individuals in a secure and stable marriage with good communication and problem-solving skills within their relationship. The PAPs unsuccessfully underwent fertility treatment as also IUI and IVF treatment post marriage and therefore mutually decided to go for adoption without any further medical intervention. The updated Home Study Report indicates that the PAPs are good, committed, loving, caring individuals and have expressed their genuine desire for adoption. The social worker had recommended adoption of a female child as per their wish observing that the PAPs are economically stable and medically fit to adopt. It is observed from the report that the PAPs have adopted children within their extended family as also a known acquaintance and that they are doing pretty well at their respective homes indicating that they have a very good experience of child development. That, the Prospective Adoptive Father is blessed with parents who love to cater to children and would be providing the maximum possible time for the child when the PAPs would remain busy with their work. Also, the PAPs are considering hiring a maid to ensure

continuous attention to the child. The social worker feels that the PAPs are emotionally sound and can handle emotions and support each other. They would be able to contribute for parenting easily with sufficient time and provide conducive environment for growth and development of the child so that the child can develop up to her maximum capacities. That the proposed addition to their family would complete their small family and provide safe and secure environment for the girl child.

9. Aaradhita was placed in foster care of the PAPs since 16th October 2024. The Post-placement report dated 4th April 2025 of the Specialized Adoption Agency “Janani Ashish Charitable Trust” Dombivili (East), District Thane, reveals that the child, who is now 1 year 2 months, is slowly making moves to stand up on her own and taking little steps. The child is being given oil massage daily before bath and is being provided with physical playing activities at home as well as in an open playground in the morning hours. The child has a healthy appetite and is given variety of foods suitable to her age and follows a regular meal schedule. The PAPs ensure that the home is equipped with all the necessary groceries as would be required for the child. Also, the child’s sleep routine is well established with consistent nap and bedtime

schedules ensuring she gets adequate rest. The behavioral development of child is progressing satisfactorily. The child has seamlessly gelled to the new family and is showing signs of strong attachment to the PAPs and maternal grandmother as they spend most of the time with her. She identifies her parents, grandparents and also her maternal and paternal family members.

10. It is also observed from the report that the child is taken to temple regularly to attend temple rituals and also attends prayers daily at various times of the day. The child is given every opportunity to socialize and is being taught how to share her things with other children so that she develops empathy and is taken along to give alms to needy people and made to see the feeding of stray animals and birds. The child has also developed strong connection with the neighbours and their children and recognizes and acknowledges various people including temple priests, regular devotees, security personnel, shopkeepers and children playing in the ground.

11. It is further observed that after placement of the child with the PAPs, all the immediate and extended family members have happily and heartily accepted Aaradhita as their own and are feeling blessed to

have her in their life. That, the parents of the PAPs are equally excited and contributive towards her well being and care. The Prospective Adoptive Father reaches home by 6.00 p.m. from office and at times works from home so that he can spend time with the child. Also the mother of the Prospective Adoptive Father stays at home and is the chief caretaker of the child during the day. The PAPs have also appointed a maid who ensures clean surrounding for the child and deals with Aaradhita's toiletries, bathing, feeding and other essential jobs thereby assisting the mother of the Prospective Adoptive father in taking care of the child. The adopted child has adjusted well into the new family and is showing signs of strong attachment to the adoptive parents and has demonstrated resilience in coping with the transition to the new family.

12. It is also noted that the medical reports of the PAPs indicate that they are physically sound and mentally fit and are free from any disabilities and deformities. The PAPs are neither suffering from any communicable or non-communicable diseases nor are they suffering from any chronic disease and that their vital parameters are within normal limits and are fit to adopt a child. Aaradhita's medical report indicates that she is a normal child. The overall observation of the

child reveals that the child's development is a dynamic process and may show variation with time and at present, up to now, her overall mental and physical development is within normal limits.

13. I have also interacted with the PAPs today and note their eagerness to adopt Aaradhita, who has been in their foster care since 16th October 2024 without any complaints and they are present with the adoptive child today. It is observed that the child is very comfortable with the PAPs. The PAPs affection for the child also appears natural. It has been submitted that the Proposed Adoptive Father mostly works from home and at times when he is required to go to office, he makes it a point to return home by 6 p.m.

14. The child security undertaking has been given by the sister of the Prospective Adoptive Mother residing at Vasai (West), Umele, District Palghar, undertaking to take care of the child Aaradhita in case of any mishap to the PAPs. The child care plan by the Mother of the Proposed Adoptive Father who stays with the PAPs states that she would take care of the child when the PAPs are away from home for their respective jobs.

15. Ergo, I am satisfied that it would be in Aaradhita's interest and welfare that she is adopted by the PAPs as the adoption will secure her upbringing and future.

16. 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.

17. 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 Anr. Vs. Union of India and Ors*¹, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

18. The PAPs also desire that the name of minor 'Aaradhita' be changed to 'Anagha Sunil Bhavar'.

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

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

“(a) That the Prospective Adoptive Parents be given the said child in Adoption and be declared as parents and has 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 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 Certificate in the name of the said minor Anagha Sunil Bhavar born on 19/02/2024 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 Aaradhita to "Anagha Sunil Bhavar" born on 19/02/2024.”

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 her 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 disposed as above.

(ABHAY AHUJA, J.)

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