

Sharada

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

INDIAN ADOPTION PETITION NO. 34 OF 2025

WITH

JUDGE'S ORDER NO. 48 OF 2025

IN

INDIAN ADOPTION PETITION NO. 34 OF 2025

St. Catherine's Home, Mumbai

...Petitioner

And

Mr. Calvin Arthur Vaz and
Mrs. Melody Laila Menezes

...Prospective
Adoptive Parents

Mr. Rakesh Kapoor i.by Mr. Rakesh K. Kapoor, Advocate for the
Petitioner.

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

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

CORAM : R.I. CHAGLA, J.

DATE : 23rd JULY, 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the
Prospective Adoptive Parents have sought adoption of the female

minor Aria (“**the said female minor**”) born on 31/10/2024. The biological mother surrendered the said female minor before the Child Welfare Committee (CWC), Mumbai Suburban District on 05/11/2024 and child’s custody was given to the Petitioner Institution Vatsalya Trust, Mumbai on the same day as per the order of the said dated 06/11/2024. The CWC, Mumbai City-II recognized that admission under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”). The CWC Admission order is on record at page No.22 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai Suburban-II declared the said female minor (“Legally Free for Adoption”) on 20/01/2025. The Free for Adoption Certificate is on record at Page No.21 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Bandra West, Mumbai aged about 42 and 46 years respectively. They have been married for the past 14 years (05/01/2011) with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.30 to the Petition.

5. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said female minor is on record at page Nos.120-124 to the Petition.

6. The Minutes of Adoption Committee meeting held on 10/03/2025 is on record at page Nos.19-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said minor female.

7. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the Adoption of the said female minor is on record at page Nos.176-180 to the Petition.

8. The Medical Report of the Prospective Adoptive Parents dated 25/02/2025 states that they are in good physical health and mentally sound and can proceed with Adoption. Their HIV I & II and HbsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos.26-29 to the Petition.

9. The Prospective Adoptive father is self-employed and is the Chief Operational Officer of Divine Media, Bandra Mumbai since January 2011 and his income for the Assessment Year 2024-2025 is Rs.7,02,410/-. His Income Certificate from Chartered Accountant and

Income Tax Returns for the Assessment year 2022-23, 2023-24 and 2024-25 are on record at page Nos.40-49 to the Petition.

10. The Prospective Adoptive mother is also self-employed and is the Director of Mediacenter Pvt. Ltd., Bandra, Mumbai since June, 1998 and her income for the Assessment Year 2024-25 is Rs.19,98,920/-. Her Income Certificate from Chartered Accountant and Income Tax Returns 2022-23, 2023-24 and 2024-25 are on record at page Nos.50-62 to the Petition.

11. The Proof of Residence, copies of Pan Cards and other supportive financial documents are on record at page Nos.31-33 & 63-113 to the Petition.

12. The Childcare Plan declaration of the Prospective Adoptive mother and her mother-in-law are on record at page Nos.114-115 to the Petition.

13. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at page Nos.116-135 to the Petition.

14. The Home Study Part II : Assessment Reports dated

12/11/2021 and 11/02/2025 of the social worker of Specialized Adoption Agency “Bal Asha Trust” Mahalaxmi, Mumbai have found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.136-147 to the Petition.

15. The child security undertaking dated 06/03/2025 given by the Prospective Adoptive father’s brother and sister-in-law residing at Bandra, Mumbai to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page No.160 to the Petition.

16. The Medical Examination Report of the said female minor dated 14/02/2025 states, “Health status of the child: Normal. Overall observation of the child: At the age of 3 months she is growing well physically and mentally. She has achieved most of her milestones expected for her age. She has a good social smile; a decent head holding and a good eye contact”. The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.164-172 to the Petition.

17. The HIV test report of the said female minor dated 19/11/2024 certifies the case as Negative. This report is on record at

page No.174 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.175 to the Petition.

18. The Declaration of consent, willingness and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Prospective Adoptive Parents of the said female minor. The said Declaration is on record at page Nos.34-36 to the Petition.

19. The Pre-adoption foster care undertaking dated 06/03/2025 is on record at page Nos.37-39 to the Petition.

20. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Aria' be renamed as "Aria Callie Vaz".

21. The undertaking dated 13/03/2025 given by the Specialized Adoption Agency "Bal Asha Trust" Mahalaxmi, Mumbai, for furnishing post adoption follow-up reports is on record at page No.181 to the Petition.

22. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 30/09/2025.

23. Mr. O. Hareendran, Scrutiny Officer has tendered the Report / Representation from the Indian Council of Social Welfare (ICSW) dated 18/07/2025 which is taken on record and marked 'X' for identification.

24. Having considered the material on record as well as the Report of the Scrutiny Officer dated 18/07/2025 marked 'X', in my view, it would be in the interest of the said female minor child that she is adopted by the Proposed Adopters.

25. It is relevant to note here that 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, the Division Bench of this Court on 10th January, 2023 passed an interim order. The relevant portion of said order of Division Bench reads as follows :

“8. In the meantime, there will be an ad-interim order only until the next date in terms of prayer clauses (d), (e) and (f) of the petition which reads as follows:

(d) Pending the final hearing and disposal of the present Petition, the Hon'ble Court may be pleased to

stay the effect, implementation and purport of the letter dated 30th September, 2022 issued by Respondent No.2;

(e) Pending the final hearing and disposal of the present Petition, the Hon'ble Court may be pleased to direct the Respondents not to transfer pending adoption matters before the District Magistrates for adjudication.

(f) Pending the final hearing and disposal of the present Petition, the Hon'ble Court may be pleased to direct the Hon'ble Courts to continue with the adjudication of the adoption matters that are pending on their record and file.

9. Additionally, the safer and more prudent course of action would be to allow all matters to be placed before the learned Single Judge of this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided.”

26. Hence, it is clear that this Court can consider and dispose of the present Petition.

27. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (d) of the Petition, which read thus:-

(a) *“That the Prospective Adoptive Parents be given the said child Aria Callie Vaz 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 Aria Callie Vaz 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 Aria Callie Vaz, born on 31/10/2024 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.*

(d) *That the Prospective Adoptive Parent be allowed to change the name of the minor from ‘ARIA’ to “Aria Callie Vaz”.*

28. In the Judge’s Order there is an undertaking of the Adoptive Parents to invest an amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in the name of the Adopted Child. The Adoptive Parents also undertake not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parents agree to

handover the investment receipt to the Adopted Child on her becoming a major. These undertakings are accepted as undertaking to this Court.

29. The Judge's Order is also accepted and separately signed.
30. The Indian Adoption Petition is accordingly, disposed of.
31. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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