

Sharada

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

INDIAN ADOPTION PETITION NO. 36 OF 2025

WITH

JUDGE'S ORDER NO. 51 OF 2025

IN

INDIAN ADOPTION PETITION NO. 36 OF 2025

Bal Asha Trust

...Petitioner

And

Mr. Ajitkumar Maruti Kamble
Mrs. Sarita Ajitkumar Kamble

...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.

Mr. Ajitkumar Maruti Kamble and Mrs. Sarita Aitkumar Kamble
Adoptive mother along with Minor Ruhi present in Court.

CORAM : R.I. CHAGLA, J.

DATE : 11TH JUNE 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the

Prospected Adoptive Parents have sought adoption of the female minor Ruhi (“**the said female minor**”) born on 23/09/2016. The biological parents surrendered the said female minor before the Child Welfare Committee (CWC), Mumbai City-II on 11/06/2021 and the child’s safe custody was given to the Petitioner Institution on the same day as per the order of said (CWC), Mumbai City-I dated 11/06/2021 for care and protection. The Safe Custody order of the CWC and consent letter of the said female minor are on record at page Nos. 25-26 to the Petition.

2. After making due inquiry under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”), the CWC, Mumbai City-II declared the said female minor (“Legally Free for Adoption”) on 20/09/2024. The Free for Adoption Certificate is on record at Page Nos. 23-24 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals , residing at Virar, Dist. Palghar, Maharashtra aged about 46 and 44 years respectively. They have been married for the past 12 years (26/12/2012) with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 36 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.195-199 to the Petition.

6. The Minutes of Adoption Committee meeting held on 13/11/2024 is on record at page Nos. 19-22 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. The Health Report of the Prospective Adoptive Parents dated 06/11/2024 states that, "They do not suffer from any major illness, fatal and contagious disease". They are fit to adopt a child. Their HIV and HBsAg Test Reports certify the case as Non Reactive. These reports are on record at page Nos. 30-35 to the Petition.

8. The Prospective Adoptive father is working as an Executive-Inline-Security with Adani Navi Mumbai International Airport Private limited, Navi Mumbai since 01/11/2011 and his monthly (February-2025) gross salary is Rs. 1,03,793/-. His Pay slips and Income Tax Returns are on record at page Nos. 45-89 to the Petition.

9. The Prospective Adoptive mother is working as an Inline Screener with Adani Navi Mumbai International Airport Private

limited, Navi Mumbai since 01/01/2011 and her monthly (January-2025) gross salary is Rs.96,333/-. Her Pay slips and Income Tax Returns are on record at page Nos. 90-132 to the Petition.

10. The Proof of Residence, Card copies and Supportive Financial Documents are on record at page Nos.37-38 & 133-138 to the Petition.

11. The childcare Plan statement of the Prospective Adoptive Parents and the owner of Nature Daycare are on record at page Nos. 139- 141 to the Petition.

12. The Home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.142-156 to the Petition.

13. The Home Study Part II : Assessment Reports dated 25/05/2021 and 05/06/2024 by the District Child Protection Office, District Women & Child Development Office, Palghar, Maharashtra has found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.157-163 to the Petition.

14. The child security undertaking dated 27/02/2025 given by

the Prospective Adoptive father's younger brother and sister-in-law residing at Virar, Dist. Palghar, Maharashtra to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 177-178 to the Petition.

15. The Medical Examination Report of the said female minor dated 03/09/2024 states, "Health status of the child is normal". The overall observation of the child states "Ruhi is a pleasant girl who is in good physical and mental health. She is developmentally normal. She studies in 3rd Standard in Maratha Primary School". The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos. 181-187 to the Petition.

16. The Report of Psychological Testing of the said female minor dated 08/12/2023 is on record at Page Nos. 188-190 to the Petition. She states that she has average intellectual and average social functioning. Her language, speech and hearing report of July 2024 is on record at page Nos. 191-191C and states that she is having no significant delay in speech and language milestone acquisition. She requires intensive speech-language therapy sessions and also conducive environment for achieving her full potentials.

17. The HIV Report of the said female minor dated 06/04/2024 certifies the case as Non Reactive. The said report is on record at page No. 193 to the Petition.

18. The Post Card Size Photograph of the same female minor is on record at page No. 194 to the Petition.

19. The Declaration of consent and undertaking of the Prospective Adoptive Parents states that they are willing to be appointed and declared as Adoptive Parents of the said female minor. The said Declaration is on record at page Nos. 39-40 to the Petition.

20. The Pre-adoption foster care undertaking dated 18/12/2024 is on record at page Nos. 41-44 to the Petition.

21. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Ruhi' be renamed as "Ruhi Ajitkumar Kamble".

22. The undertaking dated 04/12/2024 given by the authorities of District Women & Child Development Office, Palghar, Maharashtra for furnishing post adoption follow-up reports is on record at page No. 200 to the Petition.

23. The Petitioner institution's recognition from the Women &

Child Development, Maharashtra State to place children in adoption is valid for a period from 06/05/2020 to 05/05/2025. However, the Petitioner institution has applied for renewal and in the interregnum has filed the adoption petition under the Provisions of Regulation 25(4) and (5) of the Adoption Regulations 2022.

24. Mr. O. Hareendran, Scrutiny Officer has tendered the Report / Representation from the Indian Council of Social Welfare (ICSW) dated 08/06/2025 which is taken on record and marked 'X' for identification.

25. Having considered the material on record as well as the Report of the Scrutiny Officer dated 08/06/2025 marked 'X', in my view, it would be in the interest of the said female minor child that she is adopted by the Proposed Adoptive Parents.

26. 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

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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.”

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

28. 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 in Adoption be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor Ruhi.

(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 female minor Ruhi born on 23/09/2016 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 ‘Ruhi’ to “Ruhi Ajitkumar Kamble”.

29. In the Judge’s Order there is an undertaking of the Adoptive

Parents to invest an amount of Rs.2,00,000/- (Rupees Two Lakhs 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.

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

[R.I. CHAGLA, J.]

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