

Sharada

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

INDIAN ADOPTION PETITION NO. 37 OF 2025

WITH

JUDGE'S ORDER NO. 53 OF 2025

IN

INDIAN ADOPTION PETITION NO. 37 OF 2025

Bal Asha Trust

...Petitioner

And

Mr. Amit Sharma and Mrs. Sumali Sharma

...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 : 11TH JUNE 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the

Prospective Adoptive Parents have sought adoption of the male minor Azar (“**the said male minor**”) born on 28/06/2024. The biological parent surrendered the said male minor before the Child Welfare Committee (CWC), Mumbai City-II on 16/08/2024 and the child’s safe custody was given to the Petitioner institution on the same day as per the order of the said (CWC), Mumbai City-I dated 16/08/2024 for care and protection. The Safe Custody order of the CWC is on record at page No. 23 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 male minor “Legally Free for Adoption” on 05/12/2024. The Free for Adoption Certificate is on record at page Nos. 21-22 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals, residing at Bengaluru, Karnataka both aged about 43 years respectively. They have been married for the past 14 years (27/11/2010) with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 33 to the Petition.

5. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said male minor is on record at page Nos. 249-253 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 23/12/2024 is on record at page Nos. 19-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. The Health Report dated 02/01/2024 of the Prospective Adoptive Parents is on record and it states that, "They are Physically and Mentally fit". Their HIV and HBsAg test reports certify the case as Non-Reactive. The said report is on record at page Nos. 27-32 to the Petition.

8. The Prospective Adoptive father is working a Senior Manager with Jubilant FoodWorks Ltd., Bangalore since 16/11/2023 and his monthly (January-2025) gross salary is Rs. 2,18,414/-. His Pay Slips, Form No.16 and Income Tax Returns are on record at page Nos. 52-93 to the Petition.

9. The Prospective Adoptive mother is working as a Tutor in the Department of Physiology with Sri Siddhartha Institute of

Medical Sciences and Research Centre, Bangalore since is Rs.65,000/-. Her Employment and Salary Certificate since 15/04/2024 and her monthly (November-2024) gross salary is Rs.65,000/- Her Employment and Salary Certificate and Income Tax Returns are on record at page Nos. 94-110.

10. Proof of Residence, (Rental Agreement), Pan and Aadhar Card copies and Supportive Financial Documents are on record at page Nos. 34-47 & 111-187 to the Petition.

11. The Childcare Arrangement Plan declaration of the Prospective Adoptive mother and her mother-in-law is on record at page Nos. 188-191 to the Petition.

12. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.192-199 & 211-217 to the Petition.

13. The Home Study Part II : Assessment Reports dated 10/03/2021 by the Social Worker of Specialized Adoption Agency “Pandita Ramabai Mukti Mission” Pune, Maharashtra and updated Home Study Report dated 26/10/2024 by the Social Worker of Specialized Adoption Agency “Paraspara Adoption Center” Bangalore

Rural, Karnataka have found the Prospective Adoptive Parents suitable for adopting a child. The said reports are on record at page Nos.200-210 & 218-221 to the Petition.

14. The child security undertaking dated 26/12/2024 of the Prospective Adoptive mother's brother and sister-in-law residing at Panchkula, Haryana to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.231-232 to the Petition.

15. The Medical Examination Report of the said male minor dated 30/11/2024 states, "The health status of the child is normal". The overall observation of the child states that he was admitted to the institution weighing 4.48 Kg. He has grown well in the institution. He is diagnosed to have HRAD (Hyper Reactive Airway Disease). He is on Inhaler treatment since 22/10/2024. The Prospective Adoptive Parents have countersigned the said Report which is on record at page Nos. 235-245 to the Petition.

16. The HIV Test Report of the said male minor dated 23/09/2024 certifies the case as Non Reactive. This report is on record at page No. 247 to the Petition.

17. The Post Card Size Photograph of the said male minor is on

record at page No. 248 to the Petition.

18. 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 male minor. The said Declaration is on record at page No. 48-49 to the Petition.

19. The Pre-adoption foster care undertaking dated 24/12/2024 is on record at page Nos. 50-51 to the Petition.

20. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor “Azhar” be renamed as “Kartikeya Sharma”.

21. The undertaking dated 26/12/2025 given by the Specialized Adoption Agency “Paraspara Adoption Center” Bangalore Rural, Karnataka for furnishing post adoption follow-up reports is on record at page No. 254 to the Petition.

22. 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 this adoption petition under the provisions of Regulation

25(4) & (5) of the Adoption Regulations 2022.

23. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 09/06/2025 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 09/06/2025 marked 'X', in my view, it would be in the interest of the said male minor child that he 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 in Adoption be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor Azhar @ Kartikeya Sharma.*

(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 male minor Azhar @ Kartikeya Sharma born on 28/06/2024 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 ‘Azhar’ to “Kartikeya Sharma”.*

28. In the Judge’s Order there is an undertaking of the Adoptive Parents to invest an amount of Rs.1,00,000/- (Rupees One Lakh only) in the Adopted Child’s name. They also undertake not to withdraw this investment till the Adopted Child attains majority. They have agreed to handover the investment receipt to the Adopted Child on

his becoming a major. These undertakings are accepted as undertakings 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.]

Privacy warning : No part of this order shall be uploaded on any public domain or portal without this Court's express permission.