

Sharada

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

INDIAN ADOPTION PETITION NO. 39 OF 2025

WITH

JUDGE'S ORDER NO. 55 OF 2025

IN

INDIAN ADOPTION PETITION NO. 39 OF 2025

Vatsalya Trust

...Petitioner

And

Mr. Chandra Shekhar and Mrs. Tejaswita
Kumari

...Prosepective
Adoptive Parents

Ms. Sangeeta Nagpal Advocate, for the Petitioner.

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

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

CORAM : R.I. CHAGLA, J.

DATE : 18TH JUNE, 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the Prospective Adoptive Parents have sought adoption of the female minor Shreeka (“**the said female minor**”) born on 03/06/2024. The

biological mother surrendered the said female minor before the Child Welfare Committee (CWC), Mumbai Suburban District on 06/06/2024 and child's custody was given to the Petitioner Institution Vatsalya Trust, Mumbai on the same day as per the order of the said Child Welfare Committee (CWC) dated 06/06/2024 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.98 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared the said female minor ("Legally Free for Adoption") on 22/08/2024. The Free for Adoption Certificate is on record at Page Nos.96-97 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Bengaluru, Karnataka, aged about 44 and 33 years respectively. They have been married for the past 12 years (25/12/2012) with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.75 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 20/12/2024 is on record at page Nos.30-34 to the Petition. It states that they are not suffering from any medical or psychiatric illnesses. Their HIV & HbsAg test reports certify the case as Non-Reactive.

7. The Prospective Adoptive father is working as a Technical Architect with Tech Mahindra Limited, Bengaluru since 29/02/2016 and his monthly (January-2025) gross salary is Rs. 2,09,487/-. His Employment Certificate, Payslip of January 2025 and Income Tax returns are on record at page Nos.37-41 to the Petition. The Prospective Adoptive mother is a Homemaker.

8. The copies of PAN card, Proof of Residence (Passport copy of Prospective Adoptive Father) and supportive financial documents are on record at page Nos.24, 26, 28-29 and 42-43 to the Petition.

9. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at page Nos.44-52 & 57-69 to the Petition.

10. The Home Study Part II : Assessment Reports dated

05/04/2021 and 05/02/2024 of the Specialized Adoption Agency “Shishu Mandir Children’s Home” Bengaluru, Karnataka have found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.53-56 & 70-73 to the Petition.

11. The child security undertaking dated 21/06/2024 given by the Prospective Adoptive father’s sister and brother-in-law residing at Bengaluru, Karnataka to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.76-81 to the Petition.

12. The Joint Declaration of consent & Willingness to adopt by the Adoptive Parents is on record and it states that they are willing to be appointed and declared as the Adoptive Parents of the said female minor. The said Declaration is on record at page Nos.106-111 to the Petition.

13. The Medical Examination Report of the said female minor dated 22/11/2024 states, “Health status of the child is Normal and the overall observation of the child states that her overall development is within normal limits. The Prospective Adoptive Parents have countersigned the Medical Examination Report which is

on record at page Nos.85-91 to the Petition.

14. The HIV test report of the said female minor dated 05/11/2024 certifies the case as Negative. This report is on record at page No.92 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.112 to the Petition.

15. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Shreeka' be renamed as "Krishika Kirti".

16. The Pre-adoption foster care undertaking dated 11/12/2024 is on record at page Nos.100-105 to the Petition.

17. The said female minor was placed with the Prospective Adoptive Parents for about 6 months. The first post-adoption follow up report of the said female minor dated 24/05/2025 of the Specialized Adoption Agency "Shishu Mandir Children's Home" Bengaluru, is on record at page Nos.114A to 114-B to the Petition and it states that the said female minor is upto date with all vaccination as per age and she looks healthy and active. The child has shown remarkable adaptability and seamless adjustment with the family from the very day she came into their hands. After all

assessment, the Social Worker observed that the said female minor is a very happy and active child and she has bonded very well with the entire family.

18. The undertaking dated 11/01/2025 by the authorities of Specialized Adoption Agency “Shishu Mandir Children’s Home” Bengaluru, Karnataka, for furnishing post adoption follow-up reports is on record at page No.114 to the Petition.

19. 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 05/05/5025. However, the Petition 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 Regulation 2022.

20. Mr. O. Hareendran, Scrutiny Officer has tendered the Report / Representation from the Indian Council of Social Welfare (ICSW) dated 09/06/2025 which is taken on record and marked ‘X’ for identification.

21. 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 female minor child that she is adopted by the Proposed Adoptive Parents.

22. 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.

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(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."*

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

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

(a) "For adoption of the Proposed minor Baby SHREEKA @ KRISHIKA KIRTI born on 3rd June 2024 by the Proposed Adopters under Juvenile Justice Act

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor KRISHIKA KIRTI

(c) That the Proposed Adopters be granted permission

to change the name of minor SHREEKA to KRISHIKA KIRTI

(d) That the concerned Municipal Authority may be directed to issue Birth Certificate in the name of the said minor KRISHIKA KIRTI born on 3rd June 2024 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(e) 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.

25. 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.

26. The Judge's Order is also accepted and separately signed.

27. The Indian Adoption Petition is accordingly, disposed of.

28. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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