

Sharada

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

INDIAN ADOPTION PETITION NO. 40 OF 2025

WITH

JUDGE'S ORDER NO.56 OF 2025

IN

INDIAN ADOPTION PETITION NO. 40 OF 2025

Vatsalya Trust Mumbai

...Petitioner

And

Mr. Santosh Gopal Shinde and
Mrs. Ujwala Santosh Shinde

...Prospective
Adoptive Parents

Ms. Aarti Kulkarni Advocate, for the Petitioner.

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

Mr. Santosh Gopal Shinde- Adoptive father and Mrs. Ujwala Santosh Shinde along with minor Krishna present in Chamber.

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

CORAM : R.I. CHAGLA, J.

DATE : 25TH JUNE 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the

Prospective Adoptive Parents have sought adoption of the male minor Krishna, (“**the said male minor**”) born on 20/05/2015. The said male minor was found abandoned by the Kandivali Police Station, Mumbai and produced before the Child Welfare Committee (CWC)-II, Mumbai Suburban District on 07/10/2021 and admitted to the Shatabdi Hospital, Kandivali for medical examination and age verification and subsequently admitted to Samajik Vikas Kendra Malad for his care and protection. The said male minor was thereafter transferred to the Petitioner Institution on 25/04/2022 as per the order of CWC dated 24/04/2022 under the Provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”). The Admission Order of the CWC is on record at page Nos.21-22 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mankhurd, District Mumbai declared the said male minor “Legally Free for Adoption” on 29/08/2023. The Free for Adoption Certificate is on record at page Nos.26-27 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals, residing at Chembur, Mumbai aged about 49 and 45 years respectively. They have been married for the past 26 years (30/04/1999) with one biological daughter aged about 21 years

(D.O.B: 13/03/2004). Her birth certificate, health report and consent letter are on record at page Nos.37-39 to the Petition.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.40 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.121-126 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 20/09/2024 is on record at page No.20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. The Medical Report dated 16/09/2024 of the Prospective Adoptive Parents is on record and it states, "They are not suffering from any health problem currently and both are fit". Their HIV and HbsAg Test reports certify the case as Non-Reactive. These reports are on record at page Nos.33-36 to the Petition.

8. The Prospective Adoptive father is working as a Dy. Manager (O & M) with Mahanagar Gas Limited, Chakala, Mumbai since 1998 and his monthly (August-2024) gross salary is

Rs.2,65,638/-. His Employment Certificate , Income Tax Return and Pay Slip and Salary Certificate and Form No.16 are on record at page Nos.57-63 to the Petition. The Prospective Adoptive Mother is a Homemaker.

9. The copies of Pan Card, The Proof of Residence, and supportive financial documents are on record at page Nos.41-48 & 64-76 to the Petition.

10. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.77-85 to the Petition.

11. The Home Study Part II : Assessment Reports dated 22/09/2021 of the Specialized Adoption Agency “Worldchildren Welfare Trust India” Bal Anand, Chembur, Mumbai have found the Prospective Adoptive Parents suitable for adopting a child. These Reports are on record at page Nos.86-96 to the Petition.

12. The child security undertaking dated 19/09/2024 of the Prospective Adoptive father’s brother and sister-in-law residing at Kandivali, Mumbai to look after the said male minor in case of any

mishap to the Prospective Adoptive Parents is on record at page Nos.102-106 to the Petition.

13. The Medical Examination Report of the said male minor dated 18/10/2023 states, "Health Status of the child: Normal. His IQ is 89 (Low average). Overall Observation of the child: His overall development is within normal limits. He is studying in 3rd standard in normal school". The Prospective Adoptive Parents have countersigned the said Report which is on record at page Nos.110-117 to the Petition.

14. The HIV Test Report of the said male minor dated 28/04/2024 certifies the case as Negative. This report is on record at page No.119 to the Petition.

15. The Photograph of the said male minor is on record at page No.120 to the Petition.

16. The Declaration of consent and undertaking by 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.49-52 to the Petition.

17. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor “Krishna” be renamed as “@Krishna Santosh Shinde”.

18. The Pre-adoption foster care undertaking dated 19/09/2024 is on record at page Nos.53-56 to the Petition.

19. The said male minor was placed with the Prospective Adoptive Parents for about 9 months. The first post-adoption follow-up report of the said male minor dated 04/04/2025 of the Specialized Adoption Agency “Worldchildren Welfare Trust India” Bal Anand, Chembur, Mumbai is on record at page Nos.129-A to 129C of the Petition and states that the child is well settled in the Adoptive family. His parents take good care of his health and diet, and he appears to be in good health. He is studying in the 4th Standard in IES Patkar Guruji High School, Dadar and is average in his studies. Overall, the social worker observed that the said male minor is attached to his parents and he shares a good bond with his elder sister Nivedita.

20. The undertaking dated 14/09/2024 given by the Specialized Adoption Agency “Worldchildren Welfare Trust India” Bal

Anand, Chembur, Mumbai for furnishing post adoption follow-up reports is on record at page No.129 to the Petition.

21. 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.

22. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 11/06/2025 which is taken on record and marked 'X' for identification.

23. Having considered the material on record as well as the Report of the Scrutiny Officer dated 11/06/2025 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.

24. 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

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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.”*

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

26. 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 and be declared as parents and have 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 Krishna Santosh Shinde born on 20/05/2015 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 Krishna to “Krishna Santosh Shinde” born on 20/05/2015.

27. 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.

28. The Judge’s Order is also accepted and separately signed.

29. The Indian Adoption Petition is accordingly disposed of.

30. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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