

Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INDIAN ADOPTION PETITION NO.43 OF 2025

WITH

JUDGE'S ORDER NO.60 OF 2025

IN

INDIAN ADOPTION PETITION NO.43 OF 2025

Shraddhanand Mahilashram

...Petitioner

And

Mr. Prashant Shankar Bhatwalkar and
Mrs. Sneha Sunil Bageshwar

...Prospective
Adoptive Parents

Mr. Rakesh Kapoor i.by Kapoor and co., Advocate for the Petitioner.

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

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

CORAM : R.I. CHAGLA, J.

DATE : 13th AUGUST, 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the Prospective Adoptive Parents have sought adoption of the female minor Avani (“**the said female minor**”) born on 10/01/2024. The said

female minor was admitted to the Petitioner Institution on 21/0/2024 for primary care and protection. On 23/01/2024, the Child Welfare Committee (CWC), Mumbai City-II recognized that admission under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 ("the said Act"). The Admission order is on record at page No.24 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai City II declared the said female minor ("Legally Free for Adoption") on 27/03/2024. The Free for Adoption Certificate is on record at Page Nos.22-23 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Yavatmal, Maharashtra, aged about 37 and 36 years respectively. They have been married for the past 13 years (01/06/2018) with one biological son aged about 7 years (DOB : 28/02/2018). His birth certificate, medical fitness certificate and consent letter are on record at page Nos.28-33 to the Petition.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.42 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.174-178 to the Petition.

6. The Minutes of Adoption Committee meeting held on 21/03/2025 is on record at page Nos.20-21 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. The Medical Fitness Certificates dated 09/03/2025 of the Prospective Adoptive Parents states that they are in good mental and physical health including normal eyesight and free from physical defects. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos.34-41 to the Petition.

8. The Prospective Adoptive Father is working as a Sectional Engineer at Electrical Inspector, Chandrapur, Government of Maharashtra since 12/01/2012 and his monthly (January-2025) gross salary is Rs.1,14,820/-. The Certificate of Employer, Pay Slips and Income Tax Returns are on record at page Nos.60-87 to the Petition.

9. The Prospective Adoptive Mother is working as a Deputy

Engineer with Government of Maharashtra, Water Resource Department since 17/10/2024 and her gross monthly (January-2025) salary is Rs.90,549/-. The Certificate of Employer and Pay Slips are on record at Page Nos.88-91 to the Petition.

10. The Proof of Residence, Pan and Aadhar Card copies and supportive financial documents are on record at page Nos.43-47 & 92-117 to the Petition.

11. The Statement of Child Care Plan of the Prospective Adoptive Parents and the Prospective Adoptive father's mother are on record at page Nos.118-121 to the Petition.

12. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at page Nos.122-135 to the Petition.

13. The Home Study report Part II : Assessment Reports dated 25/08/2024 by the Social Worker of Specialized Adoption Agency "Mahila Vikas Mandal" Chandrapur, Maharashtra have found the Prospective Adoptive Parents suitable for adopting a child. These Home Study Reports are on record at page Nos.136-146 to the Petition.

14. The child security undertaking dated 10/03/2025 of the Prospective Adoptive father's younger brother and sister-in-law residing at Yavatmal, Maharashtra to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.157-161 to the Petition.

15. The Medical Examination Report of the said female minor dated 30/12/2024 states, "Health status of the child is normal. The overall observation of the child states that she is a happy and active baby". The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.163-170 to the Petition.

16. The HIV test report of the said female minor dated 15/04/2024 certifies the case as Non-Reactive. This report is on record at page No.172 to the Petition.

17. The Post Card Size Photograph of the said female minor is on record at page No.173 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 the Adoptive Parents of the said female

minor. The said Declaration is on record at page Nos.48-53 to the Petition.

19. The Pre-adoption foster care Affidavit dated 21/03/2025 is on record at page Nos.54-59 to the Petition.

20. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Avani' be renamed as "Divija Prashant Bhatwalkar".

21. The undertaking dated 11/03/2025 given by the Specialized Adoption Agency "Mahila Vikas Mandal" Chandrapur, Maharashtra for furnishing post adoption follow-up reports is on record at page No.179 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 30/07/2025 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 30/07/2025 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 "Divija Prashant Bhatwalkar" 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 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 "Divija Prashant Bhatwalkar" born on 10/001/2024 and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from 'AVANI' to "Divija Prashant Bhatwalkar".

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 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 hand over 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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