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

INDIAN ADOPTION PETITION NO.45 OF 2025.
WITH
JUDGE'S ORDER NO.62 OF 2025
IN
INDIAN ADOPTION PETITION NO.45 OF 2025.

Tabrez Shafi Ahmed Shaikh & Anr.

...Petitioners

Versus

Anayah Tabrez Shaikh

...Respondent

Mr. Rakesh K. L. Kapoor i/b M/s. Rakesh K. L. Kapoor & Co. for the
Petitioner.

Mr. O. Hareendran, Scrutiny Officer ICSW present in-person

Mr. Dilip S. Gurav, Chamber Registrar present in-person.

CORAM : R.I. CHAGLA J.

DATE : 9TH JULY, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioners have sought adoption of female minor i.e. Anayah Humayun Shaikh @ Anayah Tabrez Khaikh (hereinafter referred to 'Said Adoptee') born on 6th May, 2022. The Said Adoptee is the biological daughter of married

couple Mr. Humayun Shafi Ahmed Shaikh and Mrs. Sumbul Humayun Shaikh. The said Humayun Shaikh and Sumbul Shaikh have three biological children, two sons aged about 11 and 10 years and a daughter (Said Adoptee) aged about 3 years. The Said Adoptee's biological father Humayun Shaikh is a younger brother of Petitioner No.1-Tabrez Shaikh. The Said Adoptee was handed over to the Petitioners since she was one month old. The Petitioners stated that looking to the better future, ultimate welfare and well-being of the Said Adoptee, the Petitioners decided to adopt the Said Adoptee under legal guardianship and for which, they had filed Indian Guardianship Petition No. 3 of 2024 in this Court with the consent of the biological parents. This Court had allowed the said Indian Guardianship Petition on 31st July 2024. The said order is on record at page Nos.17-22 to the Petition.

2. The present Indian Adoption Petition is filed by the Petitioners by virtue of the law laid down in the judgment dated 27th October 1999 passed by the then Justice Shri. F. I. Rebello (2000 ALL MR pg. 39) and the judgment dated 22nd April 2018 of the then Justice Shri. G. S. Patel (Indian Adoption Petition No. 32 of 2018).

3. The Petitioners are Indian nationals residing at Agripada,

Mumbai. They are aged about 49 and 37 years respectively having been married for the past 18 years (25th May, 2007) and have no biological children.

4. The medical certificates of the Petitioners dated 17th April 2015 states that they are physically and mentally fit. The said certificates are on record at page Nos. 25-26 to the Petition.

5. The Petitioner No. 1 is self employed (business in Real Estate and the Director of Rubberwala Housing and Infrastructure Ltd.) and his income for the assessment year 2024-2025 is Rs. 70,93,470/-. The Chartered Accounts Certificate and Income tax returns of the Petitioner No. 1 are on record at page Nos. 33-130 to the Petition. The Petitioner No. 2 is a Homemaker.

6. The proof of residence, Pan Card copies and supported financial documents are on record at page Nos. 27-32 and 131-146 to the Petition. As per this Court's direction dated 31st July, 2024, the Petitioners had invested a sum of Rs.2,09,497/- in the name of the Said Adoptee in LIC's Single premium plan. The LIC premium receipt dated 30th August, 2024 is on record at page No. 147 to the Petition.

7. The home study reports dated 6th March 2024 and 14th

April, 2025 by the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm have found the Petitioners to be suitable Adoptive Parents for the said Adoptee. These reports are on record at page Nos. 148-154 to the Petition.

8. The follow-up reports of the said Adoptee dated 14th September 2024 and 14th April 2025 state that the Said Adoptee is a normal and active child. She has close bonding with her parents, especially with her mother whom she spends most of her time. She goes to the play school (Children's Nook) at Tardeo. After all assessment, the Social Worker has observed that the Said Adoptee loves her family and respects them, though she can sometimes be stubborn. She has adapted well to her surrounding and has formed good bonds with her new friends at school. Overall, she is thriving in her new surroundings, maintaining strong connections with both her biological and adoptive families. The said reports are on record at page Nos. 155-158 to the Petition.

9. The medical certificate of the Said Adoptee dated 17th April 2025 states that she is physically and mentally fit. The said certificate is on record at page No. 160 of the Petition. The Said Adoptee's latest post card size photograph is on record at page No.159 to the Petition.

10. The recommendation letters in support of adoption of the Said Adoptee from close family friends of the Petitioners is on record at page Nos.161-172 to the Petition.

11. As regards the change of name, the Petitioners desire that the Said Adoptee Anayah Humayun Shaikh be renamed as “Anayah Tabrez Shaikh”

12. Mr. O. Hareendran, Scrutiny officer tenders the report /representation of the Indian Council of Social Welfare dated 11th June, 2025 which is taken on record and marked as “X” for identification.

13. A conclusion has been arrived at in the said scrutiny report which is based on the Indian Guardianship Petition No. 3 of 2024 allowed by this Court on 31st July, 2024 in favour of the Petitioners and the home visit reports /progress report prepared by the qualified Social Worker, that the Said Adoptee is integrated into the adoptive family.

14. The Said Adoptee together with the Petitioners are present today. From the interaction with the Petitioners and the Said Adoptee, I find that the Petitioners have taken Great care of the Said

Adoptee and that there is integration.

15. The Petition has been filed by the Petitioners for declaring their legal status as adoptive parent of the Said Adoptee. Considering that the Adoptive Parents have already invested a sum of Rs. 2,09,497/- in the name of the said Adoptee in LIC Single Premium Plan, there is no necessity to direct any further investment.

16. I have considered the material on record as well as the report of the Scrutiny Officer. In my view, it would be in the best interest of the Said Adoptee that she is adopted by the Petitioners. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (d) of the Petition which read thus :-

- a) That this Hon'ble Court may be pleased to declare the Petitioners as Adoptive Parents of the said female minor Anayah Tabrez Shaikh, under the guardianship of the Petitioners Mr. Tabrez Shafi Ahmed Shaikh and Mrs. Nausheen Tabrez Shaikh.
- (b) That the period of two years must elapse before the Court considers the Petition for adoption from the date the Court passes the order of Guardianship be waived off.

- (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 Anayah Tabrez Shaikh, born on 06/05/2022 and stating that thereon that the Petitioners Mr. Tabrez Shafi Ahmed Shaikh and Mrs. Nausheen Tabrez Shaikh as the Parents of the said female minor Anayah Tabrez Shaikh.
- (d) That the Petitioners be allowed to change the name of the said female minor from 'Anayah Humayun Shaikh' to "Anayah Tabrez Shaikh".
17. The Judge's Order is also accepted and separately signed.
18. The present Indian Adoption Petition is accordingly disposed of.
19. There shall be no order as to costs.

[R.I. CHAGLA J.]