

Sharada

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

INDIAN ADOPTION PETITION NO. 46 OF 2025

WITH

JUDGE'S ORDER NO. 63 OF 2025

IN

INDIAN ADOPTION PETITION NO. 46 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Mr. Rahulkumar Dayanand Thorat
Mrs. Hemalata Rahulkumar Thorat

...Prospective
Adoptive Parents

Ms. Aarti Kulkarni, for the Petitioner.

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

Mr. Rahulkumar Dayanand Thorat – Adoptive Father and Mrs.
Hemalata Rahulkumar Thorat – Adoptive Mother along with minor
Rajat present in Chamber.

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

CORAM : R.I. CHAGLA, J.

DATE : 2nd JULY 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the

Prospective Adoptive Parents have sought adoption of the male minor Rajat, (“**the said male minor**”) born on 05/02/2024. The biological mother had surrendered the said male minor before Child Welfare Committee (CWC), Mumbai Suburban District on 05/03/2024 and the child’s custody has given to the Petitioner institution on the same day as per the order of the said CWC dated 05/03/20024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”). The Admission Order of the CWC is on record at page No.21 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai Suburban-II declared the said male minor “Legally Free for Adoption” on 07/05/2024. The Free for Adoption Certificate is on record at page Nos.23-24 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals, residing at Titwala, Dist. Thane aged about 43 and 42 years respectively. They have been married for the past 13 years (30/10/2011) 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.101-106 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 09/10/2024 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 07/10/2024 of the Prospective Adoptive Parents is on record and it states, "They do not have any communicable and contagious disease or any physical or mental condition which would impair their ability to care for an adoptive child". Their HIV and HbsAg Test reports certify the case as Negative. These reports are on record at page Nos.28-32 to the Petition.

8. The Prospective Adoptive father is working as a Part-time Assistant Teacher with Dr. Babasaheb Ambedkar College of Arts, Science & Commerce (Junior), Chembur, Mumbai since 13/06/2009 and his monthly (September-2024) gross salary is Rs.48,000/-. His Employment and Salary Certificate and Form No.16 are on record at page Nos.45-54 to the Petition. The Prospective Adoptive mother is a

Homemaker.

9. The copies of Pan Card, Proof of Residence and other supportive financial documents are on record at page Nos.34-36 & 55-62 to the Petition.

10. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.63-71 to the Petition.

12. The Home Study Part II : Assessment Reports dated 16/11/2021 and 05/01/2023 of the Specialized Adoption Agency “Janani Ashish Charitable Trust”, Dombivili, Dist. Thane have found the Prospective Adoptive Parents suitable for adopting a child. These Reports are on record at page Nos.72-77 & 112-A to the Petition.

13. The child security undertaking dated 13/09/2024 of the Prospective Adoptive mother’s brother and sister-in-law residing at Shirpur, Dist. Dhule, Maharashtra to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.83-87 to the Petition.

14. The Medical Examination Report of the said male minor

dated 16/09/2024 states, "Health status of the child: Normal. Overall observation of the child: Child's development is a dynamic process and may show variation with time. At present his overall development is within normal limits". The Prospective Adoptive Parents have countersigned the said Report which is on record at page Nos.91-97 to the Petition.

15. The HIV Test Report of the said male minor dated 30/08/2024 certifies the case as Negative. This report is on record at page No.99 to the Petition.

16. The Photograph of the said male minor is on record at page No.100 to the Petition.

17. The Declaration of consent and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Adoptive Parents of the said male minor. The said Declaration is on record at page Nos.37-39 to the Petition.

18. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor "Rajat" be renamed as "Rajat Rahulkumar Thorat".

19. The Pre-adoption foster care undertaking dated 05/10/2024 is on record at page Nos.40-44 to the Petition.

20. The said male minor was placed with the Prospective Adoptive Parents for about 8 months. The first post-adoption follow-up report of the said male minor dated 16/04/2025 of the Specialized Adoption Agency “Janani Ashish Charitable Trust” Dombivli, Dist. Thane is on record at page Nos.112-B-112D to the petition and states that the Prospective Adoptive Parents have expressed deep joy and gratitude at becoming adoptive parents. They appear genuinely blessed and fulfilled in their new role, demonstrating care, attentiveness, and affection toward the child. Overall, the family dynamic appears healthy and nurturing. Both the child and the adoptive parents are doing well, and the atmosphere in the home is warm, stable and happy.

21. The undertaking dated 07/10/2024 given by the Specialized Adoption Agency “Janani Ashish Charitable Trust”, Dombivli,, Dist. Thane for furnishing post adoption follow-up reports is on record at page No.109 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 19/06/2025 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 19/06/2025 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

1 Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)

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 and be declared as parents and has 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 Rajat Rahulkumar Thorat born on 05/02/2024 and stating that thereon that the Prospective Adoptive Parents as the Parents of the said minor.

d) The the Prospective Adoptive Parents be allowed to change the name of the minor from Rajat to “Rajat Rahulkumar Thorat” born on 05/02/2024”.

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.]

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