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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.50 OF 2025
WITH
JUDGE'S ORDER NO.70 OF 2025

Shree Manav Seva Sangh

...Petitioner

Versus

Mr.Tharun Kumar R S and
Mrs.Shrutika H S

...Co-Petitioners /
Proposed Adopters

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

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

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

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 19th SEPTEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the female minor
Rabia @ Thashvi Suvarna ("the said female minor") born on 3rd
January, 2024.

2. The female minor Rabia was admitted to the Petitioner

institution on 08/01/2024 as per the order of the said Child Welfare Committee (CWC), Mumbai City II dated 08/01/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. On 18/01/2024, the biological mother executed a Deed of Surrender before the said CWC for the said female minor's further rehabilitation. The Admission Order of the CWC is on record at page No. 22 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Mumbai City II declared the said female minor "Legally Free for Adoption" on 18/03/2024. The Free for adoption Certificate is on record at page No. 21 to the Petition.

4. The Prospective Adoptive Parents are Indian Nationals residing at Bengaluru, Karnataka aged about 43 and 35 years respectively. They have been married for the past 15 years (30/05/2010) with no biological children.

5. The motivation letter of the Prospective Adoptive

Parents is on record at page Nos. 31-32 to the Petition.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the female minor Rabia is on record at page Nos. 125-129 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 16/04/2025 is on record at page Nos. 19-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor Rabia born on 03/01/2024.

8. The Medical Fitness Certificates dated 18/06/2025 of the prospective adoptive parents is on record and it states that they do not suffer from any chronic/contagious disease. Both are fit to adopt a child. Their HIV and Hepatitis B test reports certify the case as Negative. These reports are on record at page Nos. 26-30 to the Petition.

9. The Prospective Adoptive Father is working as a Technical Trainer 3 with VMware Software India Private Ltd., Bengaluru since 22/11/2023 and his monthly (March-2025) gross

salary is Rs. 2,82,486/-. His pay slips and Income Tax Returns are on record at page Nos. 42-47 to the Petition. The Prospective adoptive mother is a Homemaker.

10. The Proof of Residence (Aadhar Card copies), Pan Card copies and supportive financial documents are on record at page Nos. 33-36 & 48-69 to the Petition.

11. The home study report Part I: Self-Assessment of the Prospective Adoptive Parents is on record at page Nos. 71-89 to the Petition.

12. The home study report part II: Assessment reports dated 02/09/2021 and 06/06/2024 of the Specialized Adoption Agency “Amrutha Shishu Nivasa Amulya (P)”, Bengaluru, Karnataka have found the prospective adoptive parents suitable for adopting a child. These reports are on record at page Nos. 90-98 to the Petition.

13. The child security undertaking dated 11/04/2025 of the Prospective Adoptive mother’s brother and sister-in-law residing at Dakshina Kannada, Karnataka to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record.

The said undertaking is on record at page Nos. 108-111 to the Petition.

14. Medical Examination Report dated 22/02/2025 of the said female minor is on record at page Nos. 115-121 to the Petition and it states “Health Status: Normal. Overall Observation of the child: She is a happy and developmentally normal child”. The Prospective Adoptive Parents have countersigned the said report.

15. The HIV report of the said female minor dated 11/01/2024 certifies the case as Negative. This report is on record at page No. 123 to the Petition. Post Card Size Photograph of the female minor is on record at page No. 124 to the Petition.

16. As regards the change of name, the prospective adoptive parents desire that the female minor ‘Rabia’ be renamed as “Thashvi Suvarna”.

17. The Declaration of consent and undertaking by the prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of female minor Rabia. This declaration is at page No. 37-38 to the

Petition.

18. The Pre-adoption foster care undertaking dated 11/04/2025 is on record at page Nos. 39-41 to the Petition.

19. The undertaking dated 02/04/2025 of the Specialized Adoption Agency “Amrutha Shishu Nivasa Amulya (P)”, Bengaluru, Karnataka for furnishing post adoption follow-up reports is on record at page No. 130 to the Petition.

20. The Petitioner Institution’s recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid upto 30/09/2025.

21. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 17th August, 2025 which is taken on record and marked ‘X’ for identification.

22. Having considered the material on record as well as the Representation of the Scrutiny Officer marked ‘X’ for identification, I

am of the view that it would be in the interest of said female minor child that she is adopted by the Proposed Adopters.

23. It is relevant to note here that in the case of ***Nisha Pradeep Pandya @ 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, a Division Bench of this Court passed an interim order dated 10th January, 2023. The relevant portion of the said order of the 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*

¹ W.P.(L) No.32065 of 2022

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.”*

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

25. 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 Thashvi Suvarna 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 minor Thashvi Suvarna born on 03/01/2024 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 Rabia to “Thashvi Suvarna”

born on 3rd January, 2024.”

26. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.2 lakhs in the name of the Adopted Child. They undertake not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parents agree to handover the investment receipts to the Adopted Child on her becoming a major. These undertakings are accepted as undertakings to this Court.

27. The Judge' Order is also accepted and signed separately.

28. Indian Adoption Petition is accordingly disposed of. There shall be no order as to costs.

[FIRDOSH P. POONTIWALLA, J.]

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