

Sharada

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

INDIAN ADOPTION PETITION NO. 51 OF 2025

WITH

JUDGE'S ORDER NO. 71 OF 2025

IN

INDIAN ADOPTION PETITION NO. 51 OF 2025

Shree Manav Seva Sangh

...Petitioner

And

**Mr. Lijo Stephen Chacko and
Mrs. Marina Smolya**

**...Prospective
Adoptive Parents**

Mr. Rakesh Kapoor i.by Mr. Rakesh K. Kapoor, Advocate for the
Petitioner.

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

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

CORAM : R.I. CHAGLA, J.

DATE : 6th AUGUST, 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the
Prospective Adoptive Parents have sought adoption of the said

female minor Taslim (“**the said female minor**”) born on 11/07/2023. The biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai City II on 26/09/2023 and child’s custody was given to the Petitioner Institution on the same day as per the order of the said CWC dated 26/09/2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”). The CWC Admission order is on record at page No.22 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 29/11/2023. The Free for Adoption Certificate is on record at Page No.21 to the Petition.

3. The Prospective Adoptive father is a Indian National and mother is a Russian National residing at Kottayam, Kerala aged about 52 and 45 years respectively. They have been married for the past 15 years (21/01/2010) with no biological Children. However, they have one adopted son now aged about 5^{1/2} years from Sangli, Maharashtra. His Birth Certificate, Adoption Order, Medical Certificate and consent letter are on record at page Nos.34-41 to the Petition.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.50 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.128-132 to the Petition.

6. The Minutes of Adoption Committee meeting held on 15/04/2025 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.

7. The Medical Fitness Certificates of the Prospective Adoptive Parents dated 05/01/2024 is on record at page Nos.42-49 to the Petition. It states that they do not suffer from any chronic, contagious or fatal disease. Their HIV and Hepatitis B test reports certify the case as Non-Reactive. These reports are on record at page Nos.26-30 to the Petition.

8. The Prospective Adoptive father is working as a CEO of Sigachi Industries, Hyderabad (Middle East & Africa regions) since June 2022 and his annual remuneration is Rs.1.7 Crores. His

Employment and Salary Certificate and Income Tax Returns are on record at page Nos.60-63 to the Petition. The Prospective Adoptive mother is currently a Homemaker.

9. The Proof of Residence (Aadhar Card copies), Pan Card copies and supportive financial documents are on record at page Nos.51-55 & 64-74 to the Petition.

10. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at page Nos.76-94 to the Petition.

11. The Home Study Part II : Assessment Reports dated 10/02/2021 and 15/04/2024 of the Specialized Adoption Agency “Infant Jesus Sishubhavan Rajamattom”, Kottayam, Kerala have found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.95-103 to the Petition.

12. The child security undertaking dated 10/04/2025 of the Prospective Adoptive father’s sister and brother-in-law residing at Kottayam, Kerala to look after the said female minor in case of any

mishap to the Prospective Adoptive Parents is on record at page Nos.113-114 to the Petition.

13. The Medical Examination Report of the said female minor dated 22/02/2025 states, “Health status : Normal. Overall Observation of the child: She is a happy and developmentally normal child”. The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.118-124 to the Petition.

14. The HIV test report of the said female minor dated 05/10/2023 certifies the case as Negative. This report is on record at page No.126 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.127 to the Petition.

15. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor ‘Taslim’ be renamed as “Arina Abraham”.

16. The Declaration of consent and willingness to adopt by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Prospective Adoptive Parents of the

said female minor. The said Declaration is on record at page Nos.56-57 to the Petition.

17. The Pre-adoption foster care undertaking dated 02/05/2025 is on record at page Nos.58-59 to the Petition.

18. The undertaking dated 02/04/2025 of the Specialized Adoption Agency “Infant Jesus Sishubhavan Rajamattom”, Kottayam, Kerala for furnishing post adoption follow-up reports is on record at page No.133 to the Petition.

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

20. Mr. O. Hareendran, Scrutiny Officer has tendered the Report / Representation from the Indian Council of Social Welfare (ICSW) dated 23/06/2025 which is taken on record and marked ‘X’ for identification.

21. Having considered the material on record as well as the

Report of the Scrutiny Officer dated 23/06/2025 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.

22. 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.”*

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

24. 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 Arina Abraham 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 Arina Abraham born on 11/07/2023 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 'Taslim' to "Arina Abraham" born on 11/07/2023.

25. In the Judge's Order there is an undertaking of the Adoptive Parents to invest an amount of Rs.5,00,000/- (Rupees Five Lakhs 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 handover the investment receipt to the Adopted Child on her becoming a major. These undertakings are accepted as undertaking to this Court.

26. The Judge's Order is also accepted and separately signed.

27. The Indian Adoption Petition is accordingly, disposed of.
28. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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