

Sharada

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

INDIAN ADOPTION PETITION NO.54 OF 2025

WITH

JUDGE'S ORDER NO.76 OF 2025

IN

INDIAN ADOPTION PETITION NO.54 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Mr. Ashish Wamanrao Joshi and
Mrs. Sarika Ashish Joshi

...Prospective
Adoptive Parents

Ms. Sangeeta Nagpal 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 Akshaya (“**the said female minor**”) born on 10/05/2024. The

biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban District on 11/05/2024 and child's custody was given to the Petitioner Institution Vatsalya Trust, Mumbai on the same day. On 14/05/2024, through its order, the said CWC 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.107 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared the said female minor ("Legally Free for Adoption") on 22/08/2024. The Free for Adoption Certificate is on record at Page Nos.105-106 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Nagpur, Maharashtra, aged about 48 and 47 years respectively. They have been married for the past 07 years (23/06/2018) with one biological child.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.86 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.119-123 to the Petition.

6. The Minutes of Adoption Committee meeting held on 20/12/2024 is on record at page No.102 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. The Medical Report of the Prospective Adoptive Parents dated 07/12/2024 states that they are not suffering from any chronic and contagious or fatal disease and are fit to adopt a child. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos.28-33 to the Petition.

8. The Prospective Adoptive father is working as a Junior Clerk with District & Session Court, Nagpur since 12//01/2009 and since 09/12/2022 as a Senior Clerk and his monthly (January-2025) gross salary is Rs.61,465/-. His Employment Certificate, Pay Slip and Income Tax Returns are on record at page Nos.38-53 to the Petition. The Prospective Adoptive mother is a Homemaker.

9. The copies of Pan Card and Proof of Residence and supportive financial documents are on record at page Nos.24, 27 and 54-61 to the Petition.

10. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at page Nos.62-68 and 74-79 to the Petition.

11. The Home Study report Part II : Assessment Reports dated 11/06/2021 and 15/05/2024 of the Specialized Adoption Agency “Vardaan-Indian Association for promotion of Adoption” Nagpur, Maharashtra have found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.69-73 and 80-84 to the Petition.

12. The child security undertaking dated 09/03/2025 given by the Prospective Adoptive mother’s sister and brother-in-law residing at Nagpur, Maharashtra to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.87-90 to the Petition.

13. The Joint 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 No.114-115 to the Petition.

14. The Medical Examination Report of the said female minor

dated 22/11/2024 states, “Health status of the child is Normal and the overall observation of the child states that her overall development is within normal limits”. The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.94-100 to the Petition.

15. The HIV test report of the said female minor dated 05/11/2024 certifies the case as Negative. This report is on record at page No.101 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.116 to the Petition.

16. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor ‘Akshaya’ be renamed as “Akshaya Ashish Joshi”.

17. The Pre-adoption foster care undertaking dated 07/12/2024 and 09/03/2025 are on record at page Nos.109-113-C to the Petition.

18. The said female minor had been placed with the Prospective Adoptive Parents for more than 7 months. The first post-adoption follow up report of the said female minor dated 24/04/2025 of the Specialized Adoption Agency “Vardaan Indian

Association for Promotion of Adoption” Nagpur, Maharashtra is on record at page Nos.117-a to 118-g to the Petition. It states that the said female minor is in good health and there is no history of any major illness. The said female minor is adjusted well with all family members and the Prospective Adoptive Parents are thoroughly satisfied with her and are enjoying every minute of their life with her. After all assessment, the Social Worker has observed that the said female minor is very well attached with the Adoptive family and the said female minor will be safe and secure in the Prospective Adoptive family.

19. The undertaking dated 06/12/2024 given by the authorities of Specialized Adoption Agency “Vardaan-Indian Association for Promotion of Adoption” Nagpur, Maharashtra for furnishing post adoption follow-up reports is on record at page No.118 to the Petition.

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

21. Mr. O. Hareendran, Scrutiny Officer has tendered the

Report / Representation from the Indian Council of Social Welfare (ICSW) dated 21/07/2025 which is taken on record and marked 'X' for identification.

22. Having considered the material on record as well as the Report of the Scrutiny Officer dated 21/07/2025 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.

23. 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.”

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 (e) of the Petition, which read thus:-

(a) “For adoption of the Proposed minor Baby

AKSHAYA @ AKSHAYA ASHISH JOSHI born on 10th May 2024 by the Proposed Adopters under Juvenile Justice Act

(b) For declaring the Proposed Adopters as Adoptive Parents of the Said minor and shall have all parents rights, privileges and responsibilities over the said minor AKSHAYA ASHISH JOSHI

(c) That the Proposed Adopters be granted permission to change the name of minor AKSHAYA to AKSHAYA ASHISH JOSHI

(d) That the concerned Municipal Authority may be directed to issue Birth Certificate in the name of the said minor AKSHAYA ASHISH JOSHI, born on 10th May 2024 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(e) 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".

26. 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 handover the investment receipt to the Adopted Child on her becoming a major. These undertakings are accepted as undertaking to this Court.

27. The Judge's Order is also accepted and separately signed.
28. The Indian Adoption Petition is accordingly, disposed of.
29. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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