

Sharada

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

INDIAN ADOPTION PETITION NO.56 OF 2025

WITH

JUDGE'S ORDER NO.79 OF 2025

IN

INDIAN ADOPTION PETITION NO.56 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Mr. Hardikkumar Mayurkumar Sheth &
Mrs. Payal Hardikkumar Sheth

...Prospective
Adoptive Parents

SHARADA
RANGNATH
WAHULE

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SHARADA
RANGNATH
WAHULE
Date: 2025.08.14
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Ms. Aarti Kulkurni, for the Petitioner.

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

Mr. Dilip 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 Himaja (“**the said female minor**”) born on 10/02/2024. The

biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban-I on 11/05/2024 and child's safe custody was given to the Petitioner Institution on the same day as per the order of the said CWC dated 13/02/2024 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.21 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 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 Anand, Gujarat, aged about 42 and 41 years respectively. They have been married for the past 17 years (10/07/2008) with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.36 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.155-160 to the Petition.

6. The Minutes of Adoption Committee meeting held on 07/08/2024 is on record at page No.20 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 26/07/2024 states that they are not suffering from any physical deformity or any mental or chronic illness. They are medically 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.30-35-A to the Petition.

8. The Prospective Adoptive father is self-employed and the owner of Bacancy Systems LLP, Ahmedabad since April 2021 and his income for the Assessment Year 2024-2025 is Rs.19,63,160/-. His Income Tax Returns for the Assessment years 2021-22 to 2024-25 are on record at page Nos.55-67-A. The Prospective Adoptive mother is currently a Homemaker.

9. The copies of Pan Card, Proof of Residence and supportive financial documents are on record at page Nos.37-43 & 88-104 to the

Petition.

10. The childcare arrangement plan undertakings of the Prospective Adoptive mother and her mother is on record at page Nos.151-154-B to the Petition.

11. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at page Nos.105-115 to the Petition.

12. The Home Study report Part II : Assessment Reports dated 06/08/2021 of the Specialized Adoption Agency “Matruchhaya Orphanage” Sisters of Charity of St. Anne Trust, Kheda, Gujarat have found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.116-119 to the Petition.

13. The child security undertaking dated 28/07/2024 of the Prospective Adoptive father’s brother and sister-in-law residing at Gota, Ahmedabad to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.133-137 to the Petition.

14. The Medical Examination Report of the said female minor

dated 12/07/2024 states, "Health status of the child : Normal. Overall observation of the child : her development is a dynamic process and may show variation with time. At present her overall mental and physical development is within normal limits". The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.141-147 to the Petition.

15. The HIV test report of the said female minor dated 02/07/2024 certifies the case as Negative. This report is on record at page No.149 to the Petition.

16. The Photograph of the said female minor is on record at page No.150 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 female minor. The said Declaration is on record at page Nos.49-54 to the Petition.

18. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Himaja' be renamed as

“Jaanvi Hardikkumar Sheth”.

19. The Pre-adoption foster care undertaking dated 28/07/2024 is on record at page Nos.43-48 to the Petition.

20. The said female minor had been placed with the Prospective Adoptive Parents for more than 1 year. The first and second post-adoption follow up reports of the said female minor dated 08/02/2025 and 12/07/2025 are on record at page Nos.163-A to 163-L to the Petition and it states that the said female minor's physical development and general health condition is satisfactory and normal and she is growing well. She is very much attached with her adoptive parents. Her vaccination schedules are up-to-date. After all assessment, the Social Worker has observed that the said female minor is very well attached with the Prospective Adoptive family and their extended family members.

21. The undertaking dated 03/08/2024 given by the Specialized Adoption Agency “Martuchhaya Orphanage” Sisters of Charity of St. Anne Trust, Kheda, Gujarat for furnishing post adoption follow-up reports is on record at page No.118 to the Petition.

22. The Petitioner institution's recognition from the Women &

Child Development, Maharashtra State to place children in adoption is valid up to 30/09/2025.

23. 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.

24. 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.

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 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 Jaanvi Hardikkumar Sheth born on 10/02/2024 and stating that thereon that the Prospective Adoptive Parents as the Parents of the said minor.*

d) *That the Prospective Adoptive Parents be allowed to change the name of the minor from Himaja to “Jaanvi Hardikkumar Sheth” born on 10/02/2024”.*

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 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 hand over the investment receipt to the Adopted Child on her becoming a major. These undertakings are accepted as undertaking 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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