

jsn

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

INDIAN ADOPTION PETITION NO.57 OF 2025
WITH
JUDGE'S ORDER NO.80 OF 2025

JITENDRA
SHANKAR
NIJASURE
Digitally signed by
JITENDRA SHANKAR
NIJASURE
Date: 2025.08.25
11:25:01 +0530

Vatsalya Trust, Mumbai

...Petitioner

Versus

Mr. Hitesh Hasmukh Patel and
Mrs. Snehal Hitesh Patel

...Co-Petitioners /
Proposed Adopters

Ms Sangeeta Nagpal, for the Petitioner.

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

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

Adoptive Parents are also present.

CORAM : R.I. CHAGLA J.

DATE : 20TH AUGUST, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the Proposed Adoptive Parents have sought adoption of the female minor Mayra ("the said female minor") born on 16th June, 2024. The biological mother surrendered the said female minor before the Child

Welfare Committee (“CWC”), Mumbai Suburban – I on 25th June, 2024 and the said female minor’s safe custody was given to the Petitioner institution on the same day as per the Order of the said CWC dated 25th June, 2024 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 110 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC declared the said female minor “Legally Free for Adoption” on 3rd September, 2024. The Free for adoption Certificate is on record at page Nos. 107-108 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals, residing at Thane, Maharashtra aged about 37 and 36 years respectively. They have been married for the past 12 years (26th December, 2012) with no biological children.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.87 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 29th January, 2025 is on record at page No.104 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. The Medical report dated 9th January, 2025 of the Prospective Adoptive Parents states that they are physically and mentally fit to adopt a child. Their HIV and HBsAg Test reports certify the case as Non-Reactive. The said report is on record at page Nos. 30-36 to the Petition.

8. The Prospective Adoptive father is working as a Joint Vice President with Aditya Birla Life Insurance (ABSLI) Company Ltd. since 5th November, 2020 and his monthly (April 2025) Net salary is Rs.3,07,353/-. The employment card, Pay Slip and Income Tax Returns are on record at page Nos. 39-40 and 43-45 to the Petition.

9. The Prospective Adoptive Mother is working as a Senior

Financial Analyst with General Mills India Private Ltd. Powai, Mumbai since 29th August, 2016 and her monthly (April 2025) net salary is Rs.1,18,156/-. Her employment and income certificate, pay slip and income tax returns are on record at page Nos.41-42 and 46-48 to the Petition.

10. The copies of Pan Card, Proof of Residence and supportive financial documents are on record at page Nos. 23, 25, 27-29 & 49-52 to the Petition.

11. The Childcare Plan Undertaking of the Propective Adoptive Father's parents is on record at page Nos.88-89 to the Petition.

12. The Home Study Report Part I: Self-Assessment Report by the Prospective Adoptive Parents is on record at page Nos. 53-61 and 71-79 to the Petition.

13. The Home Study Report Part II : Assessment Reports dated 26th May, 2022 and 22nd May, 2025 of the Specialized Adoption Agency "Worldchildren Welfare Trust India", Bal Anand,

Chembur, Mumbai has found the Prospective Adoptive Parents suitable for adopting a child. The said report is on record at page Nos. 62-70 and 80-85 to the Petition.

14. The Child Security Undertaking dated 20th April, 2025 of the Prospective Adoptive father's sister and brother-in-law residing at Vadodara, Gujarat to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 90-92 to the Petition.

15. The Medical Examination Report of the said female minor dated 6th January, 2025 states "Health status of the child: Normal. Overall observation of the child: His development is a dynamic process and may show variation with time. At present his overall mental and physical development is within normal limits". The Prospective Adoptive Parents have countersigned the said report which is on record at page Nos. 96-102 to the Petition.

16. The HIV report of the said female minor dated 17th December, 2024 certifies the case as Negative. This report is on record at page No.103 to the Petition.

17. The Post Card size photograph of the said female minor is on record at page No.116 to the Petition.

18. 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 Adoptive Parents of the said female minor. The said declaration is on record at page Nos.114-115 to the Petition.

19. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor 'Mayra' be renamed as "Reva Hitesh Patel".

20. The pre-adoption Foster Care Undertaking dated 16th January, 2025 is on record at page Nos. 111-113 to the Petition.

21. The Undertaking dated 10th January, 2025 given by the Specialized Adoption Agency "Worldwide Welfare Trust India", Bal Anand, Chembur, Mumbai for furnishing post adoption follow-up reports is also 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 30th September, 2025.

23. Mr. O. Hareendran, the Scrutiny Officer has tendered the report / representation of the Indian Council of Social Welfare dated 14th August, 2025 which is taken on record and marked 'X' for identification.

24. Having considered the material on record as well as report 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.

25. 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, passed an interim order dated 10th January, 2023. The relevant portion of the said order of Division Bench reads as follows :

¹ W.P.(L) No.32065 of 2022

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

(a) For adoption of the proposed male minor Mayra @ Reva Hitesh Patel, born on 16/06/2024 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 parental rights, privileges and Responsibilities over the said minor baby Mayra @ Reva Hitesh Patel;

(c) That the proposed adopters be granted permission to change the Name of minor Mayra to Reva Hitesh Patel;

(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Reva Hitesh Patel born on 16/06/2024 and stating thereon that the prospective adoptive parent as the Parent of the said minor;

(e) That the prospective adoptive parent 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.

28. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.2 lakh in the Adopted Child's name. 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 an undertakings to this Court.

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

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

[R.I. CHAGLA J.]

Privacy warning : No part of this Order shall be uploaded on any public domain or portal without this Court's express permission.