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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.59 OF 2025
WITH
JUDGE'S ORDER NO.85 OF 2025

Bal Asha Trust, Mumbai

...Petitioner

Versus

Mr. Suraj Kumar Singh and Mrs. Anisha
Roy Choudhury

...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 male minor
Vikas @ Astitva Singh ("the said male minor") born on 1st December,
2024.

2. The biological parent surrendered the said minor before

the Child Welfare Committee (CWC) Mumbai City-II on 03-12-2024 and the child's safe custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 03/12/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Safe Custody order of the CWC is on record at page No. 23 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee, Mumbai City II declared the said male minor **"Legally Free for Adoption" on 04/03/2025**. The Free for adoption Certificate is on record at page Nos. **21-22** to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Durg, Chhattisgarh aged about 38 and 34 years respectively. They have been married for the past 9 years (21/01/2016) with no biological children.

5. Motivation letter from the Prospective Adoptive Parents is on record at page No. **31** to the Petition.

6. Affidavit by the Chief Functionary of the Specialized

Adoption Agency (Petitioner) in support of the adoption of the said male minor is on record at page Nos. **145-149** to the Petition.

7. The Minutes of Adoption Committee Meeting held on 04/04/2025 is on record at page Nos. **19-20** to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor Vikas to the Petition.

8. The Medical Fitness Certificates dated 18/03/2025 of the prospective adoptive parents is on record and it states that they are in a state of good physical and mental health and free from any ailment and infirmity. Both are in a fit composed state to carry on the responsibilities as prospective parents for adoption. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos. 27-30 to the Petition.

9. The Prospective Adoptive Father is working as a Manager with The ICFAI Foundation for Higher Education, Hyderabad since 2015 and his monthly (February) gross salary is Rs. 50,308/-. His Pay slips, Form No. 16 and Income Tax Returns are on record at Page Nos. 44-56 to the Petition.

10. Prospective Adoptive Mother is working as a Teacher at Swami Atmanand Excellence English Medium School, Dhamtari District, Chhattisgarh since 2023 and her fixed Honorarium per month is Rs. 38,100/-. Her Employment and Income Certificate is on record at Page Nos. 57-63 to the Petition.

11. Proof of residence, Pan Card copies and Supportive Financial Documents are on record at page Nos. 32-34 & 64-85 to the Petition.

12. The childcare plan declarations of the prospective adoptive mother and her mother are on record at page Nos. 86-88 to the Petition.

13. The home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 89-102 to the Petition.

14. The home study report part II: Assessment reports dated 24/05/2021 and 14/06/2024 of the Specialized Adoption Agency “Sewa Bharti Matruchhaya” Durg, Chhattisgarh have found the prospective adoptive parents suitable for adopting a child. These

reports are on record at page Nos. 103-110 to the Petition.

15. The child security undertaking dated 19/04/2025 of the Prospective Adoptive mother's brother and sister-in-law residing at Haldibadi Koriya, Chhattisgarh to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 124-127 to the Petition.

16. Medical Examination Report dated 25/02/2025 of the said male minor is on record at page Nos. 130-141 to the Petition and it states that the health status of the child is normal. The overall observation of the child states he has grown well in the institution. He is receiving Iron supplements for low Hb. The Prospective Adoptive Parents have countersigned the said report.

17. The HIV report of the said male minor dated 14/02/2025 certifies the case as Non-Reactive. The said report is on record at page No. **143** to the Petition. The Post Card Size Photograph of the said male minor is on record at page No. **144** to the Petition.

18. The Declaration of consent and undertaking of the

prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of said male minor Vikas born on 01/12/2024. This declaration is on record at page Nos. 35-36 to the Petition.

19. The Pre-adoption foster care Affidavit dated 08/04/2025 is on record at page Nos. 37-43

20. As regards the change of name, the prospective adoptive parents desire that the said male minor 'Vikas,' be renamed as "Astitva Singh".

21. The Undertaking dated 05/04/2025 given by the authorities of "Sewa Bharti Matruchhaya" Durg, Chhattisgarh for furnishing post adoption follow-up reports is on record at page No. 150-151 to the Petition.

22. The Petitioner Institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 30/09/2025.

23. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 26th August, 2025 which is taken on record and marked 'X' for identification.

24. 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.

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, a Division Bench of this Court passed an interim order dated 10th January, 2023. The relevant portion of the 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;

¹ W.P.(L) No.32065 of 2022

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 be declared as parents having all parental legal rights, privileges and responsibilities over the said minor Astitva Singh;

(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 Astitva Singh born on 01/12/2024 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 'VIKAS' to "Astitva Singh".*

28. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.1.50 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 his becoming a major. These undertakings are accepted as 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.

[FIRDOSH P. POONIWALLA, J.]

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