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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.60 OF 2025
WITH
JUDGE'S ORDER NO.87 OF 2025

Bal Asha Trust

...Petitioner

Versus

Deepakkumar Nagorao Dudhare and
Sharmila Deepakkumar Dudhare

...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 : 26th SEPTEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the male minor
Faizal Firoz Khan ("the said male minor") born on 27th October 2017.

2. The male minor Faizal Firoz Khan, born on 27/10/2017
was found abandoned by the Mumbai Central Railway Police Station
and admitted in Shraddhanand Mahilashram, Mumbai on

06/09/2021 for care and protection. Thereafter the said male minor was transferred to the Petitioner institution on 18/01/2024 for further rehabilitation. On 19/01/2024, the Child Welfare Committee (CWC), Mumbai City-II recognized that transfer under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Safe Custody/Transfer Order of the CWC and consent letter of the said minor is on record at page Nos. 25-26 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 20/01/2025. The Free for adoption Certificate is on record at page Nos. 23-24 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Parbhani, Maharashtra aged about 47 years and 42 years respectively. They have been married for the past 21 years (11/05/2004) with no biological children.

5. Motivation letter from the Prospective Adoptive Parents is on record at page No. 34-35 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. 167-171 to the Petition.

7. The Minutes of Adoption Committee Meetings held on 27/02/2025 and 11/03/2025 is on record at page Nos. 19-22 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

8. The health reports dated 29/08/2024 of the prospective adoptive parents is on record and it states that both are in good health and not suffering from any physical, mental and contagious disease. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos. 31-33 to the Petition.

9. The Prospective Adoptive Father is working as a Bailiff with District Sessions Court Parbhani since 04/10/2004 and his monthly (February-2025) gross salary is Rs. 55,499/-. His Pay slips, Form No. 16 and Income Tax Returns are on record at Page Nos. 45-63 to the Petition.

10. The Prospective Adoptive Mother is working as a Live Stock Supervisor with Zilla Parishad, Veterinary Dispensary, Purna, Dist. Parbhani since 30/08/2013 and her monthly (February-2025) gross salary is Rs. 69,845/-. Her Pay slips, Form No. 16 and Income Tax Returns are on record at Page Nos. 64-73 to the Petition.

11. Proof of residence, Pan Card copies and Supportive Financial Documents are on record at page Nos. 36-38 & 74-103 to the Petition.

12. The childcare plan declaration of the prospective adoptive mother and her mother-in-law are on record at page Nos. 104-107 to the Petition.

13. The home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 108-122 to the Petition.

14. The home study report part II: Assessment reports dated 09/10/2021 and 12/11/2024 of the Specialized Adoption Agency “Jeevan Asha Trust”s Asha Shishugruha”, Parbhani, Maharashtra have found the prospective adoptive parents suitable for adopting a

child. These reports are on record at page Nos. 123-133 to the Petition.

15. The child security undertaking dated 21/03/2025 of the Prospective Adoptive father's Uncle and Aunt residing at Parbhani, Maharashtra to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page No. 146 to the Petition.

16. Medical Examination Report dated 21/01/2025 of the said male minor is on record at page Nos. 149-159 to the Petition and it states that the health status of the child is normal. The overall observation of the child states that he has not suffered from any major illness needing hospitalization. Though Mantoux was Positive AKT was not considered because child was Asymptomatic and no clinical signs and Chest Xray was normal. He is currently receiving molluscum since 03/09/2024 till date. He is developmentally normal for his age. He studies in 1st Std in Maratha Primary School. The Prospective Adoptive Parents have countersigned the said report.

17. The Report of Psychological Testing of the said male

minor dated 30/10/2024 is on record at Page Nos. 160-162 to the Petition and it states that he has average intellectual functioning and average social functioning. His Language, Speech and hearing report of October 2024 is on record at page No. 163 to the Petition and it states that he has no significant delay in his language acquisition. He requires continuous language stimulations for achieving further milestones. The Prospective Adoptive Parents have countersigned these reports.

18. The HIV report of the said male minor dated 11/01/2024 certifies the case as Non-Reactive. The said report is on record at page No. 165 to the Petition. The Post Card Size Photograph of the said male minor is on record at page No. 166 to the Petition.

19. 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, born on 27/10/2017 . This declaration is on record at page Nos. 39-41 to the Petition.

20. The Pre-adoption foster care Affidavit dated 18/03/2025 is on record at page Nos. 42-44 to the Petition.

21. As regards the change of name, the prospective adoptive parents desire that the said male minor '**Faizal Firoz Khan**' be renamed as "**Piyush Deepakkumar Dudhare**".

22. The Undertaking dated 27/03/2025 given by the Specialized Adoption Agency "Jeevan Asha Trust"s Asha Shishugruha", Parbhani, Maharashtra for furnishing post adoption follow-up reports is on record at page No. 172 to the Petition.

23. 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.

24. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 25th August, 2025 which is taken on record and marked 'X' for identification.

25. Mr.Kapoor, the learned Advocate appearing on behalf of the Petitioners, has also submitted the Post-Adoption Follow-Up Report of the Child dated 4th August 2025. The same is taken on

record and marked 'X-1' for identification.

26. Having considered the material on record as well as the Representation of the Scrutiny Officer marked 'X' for identification and the Post-Adoption Follow-Up Report of the Child marked 'X-1' for identification, I am of the view that it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

27. 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 the 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."*

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

29. 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 and have all parental legal rights, privileges and responsibilities over the said minor Piyush Deepakkumar Dudhare;

(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 male minor Piyush Deepakkumar Dudhare, born on 27/10/2017 and stating 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 Rabia to 'Faizal Firoz Khan' to "Piyush Deepakkumar Dudhare".

30. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.2 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 her becoming a major. These undertakings are accepted as undertakings to this Court.

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

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

[FIRDOSH P. POONIWALLA, J.]

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