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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.61 OF 2025
WITH
JUDGE'S ORDER NO.86 OF 2025

Bal Asha Trust, Mumbai

...Petitioner

Versus

Mr. Manoj Kumar M. and
Mrs. Manorema O.

...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 female minor
Piyukumari @ Pavni M.M. ("the said female minor") born on 23rd
October, 2019.

2. The female minor Piyukumari was found abandoned by the

Mumbai Central Railway Police Station on 07/01/2024 and produced before the Child Welfare Committee (CWC), Mumbai City-II on the same day and the said female minor's safe custody was given to the Petitioner institution on 07/01/2024. On 08/01/2024, the said CWC, Mumbai City-II recognized that admission 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. 25 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 female minor "**Legally Free for Adoption**" on **28/11/2024**. 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 Kasaragod, Kerala aged about 56 and 49 years respectively. They have been married for the past 12 years (27/10/2013) with no biological children.

5. The prospective adoptive father was married earlier on

28/05/2009 and divorced on 09/03/2012 with no issues from the marriage. The prospective adoptive mother was also married earlier on 09/04/2011 and divorced on 25/09/2013 with no issues. The Divorce Decrees are on record at page Nos. 31-37 to the Petition.

6. Motivation letter from the Prospective Adoptive Parents is on record at page No. 48 to the Petition.

7. 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. 145-149 to the Petition.

8. The Minutes of Adoption Committee Meeting held on 24/02/2025 & 06/03/2025 are on record at page Nos. 19-22 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor Piyukumari, born on 23/10/2019.

9. The Medical Fitness Certificates dated 11/02/2025 of the prospective adoptive parents is on record and it states that they are medically fit to adopt a child. Their HIV and HBsAg test reports certify the case as Negative. These reports are on record at page

Nos. 38-47 to the Petition.

10. The Prospective Adoptive Father is working as an Accredited Engineer (contract basis) with Pullur-Periya Grama Panchayat Office since September 2021 and his monthly Consolidated Honorarium is Rs. 31,460/-. The Income Certificate, Salary Certificate and Income Tax Statement for the Financial Year 2024-25 are on record at Page Nos. 59-62 to the Petition.

11. The Prospective Adoptive Mother is working as a Teacher with Sadguru Public School, Peroor, Kasaragod since 2014 and her monthly (January-2025) is Rs. 25,924/-. Her Employment and Income Certificate Pay Slips and Income Tax Statement for the Financial Year 2024-25 are on record at Page Nos. 63-68 to the Petition.

12. The Proof of residence, Pan Card copies and Supportive Financial Documents are on record at page Nos. 49-54 & 69-101 to the Petition.

13. The childcare plan declarations of the prospective adoptive

mother and her sister-in-law are on record at page Nos. 102-104 to the Petition.

14. The home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 105-111 to the Petition.

15. The home study report part II: Assessment reports dated 02/07/2022 of the authorities of women Child Development Department, District Child Protection Unit, Kasaragod, Kerala has found the prospective adoptive parents suitable for adopting a child. This report is on record at page Nos. 103-110 to the Petition.

16. The child security undertaking dated 26/03/2025 of the Prospective Adoptive father's sister and brother-in-law residing at Kannur, Kerala to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 127-128 to the Petition.

17. Medical Examination Report dated 10/12/2024 of the said female minor is on record at page Nos. 131-137 to the Petition and it

states, "The health status of the child: Normal. The overall observation of the child: She is a pleasant girl. Who is in good physical and mental health. She studies in Jr. Kg in Maratha Pre-Primary School. She is developmentally normal. The Prospective Adoptive Parents have countersigned the said report.

18. The report of Psychological Testing of the said female minor dated 30/10/2024 is on record at page Nos. 138-140 to the Petition and it states that she has Average Intellectual functioning and Average Social Functioning. Her Language, Speech and Hearing Report of October 2024 is also on record at page No. 141 and it states that the said female minor has no significant delay in achieving speech and language milestones. The Prospective Adoptive Parents have countersigned these reports.

19. The HIV report of the said female minor dated 28/10/2024 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 female minor is on record at page No. 144 to the Petition.

20. 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 female minor Piyukumari, born on 23/10/2019. This declaration is on record at page Nos. 55-56 to the Petition.

21. The Pre-adoption foster care Affidavit dated 14/03/2025 is on record at page Nos. 57-58.

22. As regards the change of name, the prospective adoptive parents desire that the said female minor 'Piyukumari' be renamed as "Pavni M.M.".

23. The Undertaking dated 29/05/2025 given by the Specialized Adoption Agency "Shishu Vikas Bhavan", Kasaragod, Kerala for furnishing post adoption follow-up reports is on record at page No. 150 to the Petition.

24. 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.

25. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 28th August, 2025 which is taken on record and marked 'X' for identification.

26. 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 the said female minor child that she 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 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,

¹ W.P(L) No.32065 of 2022

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."

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 Pavni M.M. in Adoption be declared as parents having 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 Pavni M.M. born on 23/10/2019 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 'Piyukumari' to "Pavni M.M."."*

30. 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 hand over 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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