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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.63 OF 2025
WITH
JUDGE'S ORDER NO.92 OF 2025

St.Catherine's Home

...Petitioner

Versus

Subodh Shamsundar Phadke and Supriya
Subodh Phadke

...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.

Ms.Supriya Subodh Phadke – Adoptive Mother and Ms.Jayashri
Sharad Koyande – Adoptive Mother's Mother along with Kum. Swara
S. Phadke present in Chamber

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 female minor
Joy @ Swara Subodh Phadke ("the said female minor") born on 9th
November 2024.

2. The female minor Joy, born on 09/11/2024 and her birth mother surrendered the said minor before the Child Welfare Committee (CWC), Mumbai Suburban-II on 11/11/2024 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 11/11/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order of the CWC is on record at page No. 22 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016), the Child Welfare Committee, Mumbai Suburban-II declared the female minor Joy "Legally Free for Adoption" on 07/02/2025. The Free for adoption order is on record at page No. 21 to the Petition.

4. The Prospective Adoptive parents are Indian nationals, residing at Bhandup, Mumbai aged about 49 and 47 years respectively. They have been married for the past 17 years (14/03/2008) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 33 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 19/03/2025 is on record at page Nos. 19-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor Joy.

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. 160-164 to the Petition.

8. The Medical report of the prospective adoptive parents dated 12/03/2025 is on record and it states that both are healthy and not suffering from any health problem currently. Their HIV I & II and Hepatitis B test reports certify the case as Non-Reactive. These reports can be found at page Nos. 27-32 to the Petition.

9. The Prospective Adoptive father is working as a 3rd Engineer with the Ship BW Epic Kosan Maritime Pte Ltd., Singapore since 19/08/2024 and his total wages per month is USD 4,116.00

(=Rs.3,50,000/-). His Employment Contact Certificate and Salary Slip are on record at page Nos. 43-45 to the Petition.

10. The Prospective Adoptive mother is working as a Senior Associate-Business Operations with Accelya Solutions India Limited, Mumbai since 16/01/2005 and her monthly (March-2025) gross salary is Rs. 59, 827/-. Her Pay Slips and Income Tax returns are on record at page Nos. 46-65 to the Petition.

11. The Proof of Residence, Aadhar and Pan Card copies and other supportive financial documents are on record at page Nos. 34-36 & 66-102 to the Petition.

12. The Childcare plan declarations of the prospective adoptive mother and her mother are on record at page Nos. 103-105 to the Petition.

13. The Home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 106-124 to the Petition.

14. The Home Study Report Part II: Assessment reports dated 22/06/2021 and 25/01/2024 of the social worker of Specialized Adoption Agency “Vatsalya Trust”, Kanjur Marg, Mumbai have found the prospective adoptive parents suitable for adopting a child. These reports are at page Nos. 125-132 to the Petition.

15. The child security undertaking dated 13/03/2025 given by the Prospective Adoptive father’s brother and sister-in-law residing at Seawoods, Navi Mumbai to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 142-144 to the Petition.

16. The Medical Examination Report of the said female minor dated 14/02/2025 is on record at page Nos. 148-156 to the Petition and it states, “Health Status: Normal. Overall Observation of the child: At the age of 3 months, Joy is growing well physically and neurologically as well. She has achieved most of the milestones expected for her age. All her screening tests are within normal limits including her BERA and her 2DECHO”. The prospective adoptive parents have countersigned the Medical Examination Report.

17. The HIV test report of the said female minor dated 12/11/2024 certifies the case as Negative. This report is on record at page No. 158 to the Petition. The Post Card Size Photograph of the female minor is at page No. 159 to the Petition.

18. The Declaration of consent, willingness and undertaking by the prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of the female minor. This Declaration is at page Nos. 37-39 to the Petition.

19. The Pre-adoption foster care undertaking dated 15/03/2025 is on record at page Nos. 40-42 to the Petition.

20. As regards the change of name, the prospective adoptive parents desire that the female minor 'Joy' be renamed as "Swara Subodh Phadke".

21. The undertaking dated 08/03/2025 given by the Specialized Adoption Agency "Vatsalya Trust", Kanjur Marg, Mumbai for furnishing post adoption follow-up reports is on record at page
6/10

No. 165 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 21st September, 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 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 @ 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

¹ W.P.(L) No.32065 of 2022

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;

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 Swara Subodh Phadke in Adoption be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor Swara Subodh Phadke.

(b) That the Prospective Adoptive Parents may be granted leave to remove the said minor Swara Subodh Phadke 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 female minor Swara Subodh Phadke born on 09/11/2024 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 ‘Joy’ to “Swara Subodh Phadke”.

28. There is an undertaking of the Adoptive Parents in the Judge’s Order to invest Rs.4 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.

29. The Judge's 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. POONTIWALLA, J.]

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