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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.65 OF 2025
WITH
JUDGE'S ORDER NO.94 OF 2025

Shraddhanand Mahilashram

...Petitioner

Versus

Ms. Vidhi Handa

...Proposed Adopter

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 : 3rd OCTOBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parent have sought adoption of the male minor
Ansh @ Vardaan Handa ("the said male minor") born on 19th June
2024.

2. The male minor Ansh was born on 19/06/2024 and the
biological mother surrendered her child before the Child Welfare
Committee (CWC), Mumbai City-II on 27/06/2024 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 27/06/2024 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) Amendment Act, 2021, the Child Welfare Committee, Mumbai City II declared the said male minor “Legally Free for Adoption” on 11/12/2024. The Free for adoption Certificate is on record at page No.22 to the Petition.

4. The Prospective Adoptive Parent is a Spinster and an Indian National, residing at Mohali, Punjab, aged about 34 years and has one adopted son born at Prayagraj, U.P. on 22/11/2022. His legal adoption was allowed by the Additional District Magistrate (Administration) Prayagraj on 13/08/2024. The said adopted son’s Adoption Order, Birth Certificate, Medical Fitness Certificate and follow-up report are on record at page Nos. 25-35 to the Petition. Motivation letter from the Prospective Adoptive Parent is on record at page No. 39 to the Petition.

5. 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. 150-154 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 26/05/2025 is on record at page Nos. 20-21 to the Petition. It states that the Prospective Adoptive Parent is suitable to adopt the said male minor.

7. The Medical Fitness Certificates dated 08/05/2025 of the prospective adoptive parent is on record and it states that she is not suffering from any chronic, contagious or fatal disease and she is mentally and physically fit to adopt. Her HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos. 36-38 to the Petition.

8. The Prospective Adoptive Parent is self-employed (running Acc Agasthya Coaching Class & Agasthya Computer Centre at Kharar, Mohali) for the last 8 years. Her income for the Assessment Year 2024-25 is Rs. 6, 76,910/-. Her Income Affidavit and Income Tax Returns are on record at Page No. 55-71 to the Petition.

9. Proof of Residence, Pan Card copies and Supportive Financial Documents are on record at page Nos. 40-48 & 72-103 to the Petition.

10. The Childcare Arrangement Statement of the prospective adoptive parent is on record at page Nos. 104-107 to the Petition.

11. The home study report Part I: Self-Assessment by the Prospective Adoptive Parent is on record at page Nos. 108-113 to the Petition.

12. The home study report part II: Assessment report dated 03/04/2025 by the authorities of District Child Protection Unit, SAS Nagar, Punjab has found the prospective adoptive parent is suitable for adopting a child. The said report is on record at page Nos. 114-118 to the Petition.

13. The child security undertaking dated 17/05/2025 of the Prospective Adoptive Parent's Sister residing at Panchkula, Haryana to look after the said male minor in case of any mishap to the Prospective Adoptive Parent is on record at page Nos. 129-131 to the Petition.

14. The Father Figure undertaking dated 06/08/2025 of the uncle of the prospective adoptive parent residing at Mohali, Punjab to take the role of father figure of the said male minor is on record at page Nos. 126-127 to the Petition.

15. Medical Examination Report dated 27/12/2024 and 24/03/2025 of the said male minor is on record at page Nos. 134-146 to the Petition and it states that the health status of the said male minor is Special Need. The child shows delay in motor development, motor cognitive and expressive language development. His cognitive development is below for his age which may be due to lack of environmental stimulation and his expressive language skills are significantly delayed. The Prospective Adoptive Parent has countersigned the said report.

16. The HIV report of the said male minor dated 13/11/2024 certifies the case as Non-Reactive. The said report is on record at page No. 148 to the Petition. The Post Card Size Photograph of the male minor is on record at page No. 149 to the Petition.

17. The Declaration of consent and undertaking of the prospective adoptive parent is on record and it states that she is willing to be appointed and declared as the adoptive parent of the said male minor. This declaration is at page No. 49-50 to the Petition.

18. The Pre-adoption foster care Affidavit dated 29/05/2025 is on record at page Nos. 51-54 to the Petition.

19. As regards the change of name, the prospective adoptive parent desires that the said male minor 'Ansh' be renamed as "Vardaan Handa".

20. The Undertaking dated 05/06/2025 given by the authorities of District Child Protection Unit, SAS Nagar, Punjab for furnishing post adoption follow-up reports is on record at page No.155 to the Petition.

21. The Petitioner Institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 30/09/2025. However, the Petitioner institution has applied for renewal and in the interregnum has filed

this adoption petition under the provisions of Regulation 25 (4) & (5) of the Adoption Regulations 2022.

22. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 11th September, 2025 which is taken on record and marked 'X' for identification.

23. 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 male minor child that he is adopted by the Proposed Adopters.

24. 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 :

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.”

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

26. 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 Parent be given the said child “Vardaan Handa” in Adoption and be declared as parent having all parental legal rights, Privileges and responsibilities over the said minor.

(b) 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.

(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 Vardaan Handa, born on 19/06/2024 and stating that thereon that the Prospective Adoptive Parent as the Parent of the said minor.

(d) That the Prospective Adoptive Parent be allowed to Change the name of the minor from 'Ansh' to "Vardaan Handa".

27. There is an undertaking of the Adoptive Parent in the Judge's Order to invest Rs.3 lakhs in the name of the Adopted Child. She undertakes not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parent agrees to handover the investment receipts to the Adopted Child on his becoming a major. These undertakings are accepted as undertakings to this Court.

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

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

[FIRDOSH P. POONIWALLA, J.]

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