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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.68 OF 2025
WITH
JUDGE'S ORDER NO.97 OF 2025

Maharashtra State Women's Council ...Petitioner
Adoption Group

Versus

Rajesh Tanaji Patil ...Proposed
and Adopters
Mrs. Priyanka Rajesh Patil

Ms.Dipal Sanjanwala Mehta, Advocate 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 Parents have sought adoption of the female minor Jenifer @ Shreya Rajesh Patil ("the said female minor") born on 19th January 2025.

2. The female minor Jenifer was born on 19th January 2025 and the biological mother surrendered the said female minor before

the Child Welfare Committee (CWC), Mumbai City-I on 31/01/2025 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 31/01/2025 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The CWC safe custody order is on record at page No. 21 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 female minor "Legally Free for Adoption" on 08/04/2025. The Free for Adoption order is on record at page Nos. 22-24 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals residing at Pune, Maharashtra aged about 39 and 34 years respectively. They have been married for the past 12 years (29/05/2013) with no biological children.

5. The Motivation Letter of the prospective adoptive parents is on record at Page Nos. 27-28 to the Petition.

6. 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. 177-183 to the Petition.

7. The Minutes of Adoption Committee meeting held on 25/07/2025 is on record at page Nos. 18-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

8. The Medical report of the prospective adoptive parents dated 14/07/2025 is on record and it states that the health of the prospective adoptive parents does not disqualify them in parenting a child in anyway. The prospective adoptive father was detected pre-diabetic and is on medication. Their HIV and HBsAg test reports certify the case as Non Reactive. These reports are on record at Page Nos. 31-46 to the Petition.

9. The Prospective Adoptive father is working as a Manager-Finance & Accounting with Infosys Limited, Pune since 11/05/2012 and his monthly (June-2025) gross salary is Rs. 68,013/-. His Employment Letter, Salary Certificate, Pay Slips and Income Tax Returns are on record at page Nos. 63-71 to the Petition.

The prospective adoptive mother is a Homemaker.

10. The proof of residence, copies of PAN card and other supportive financial documents are on record at page Nos. 55-57 & 72-116 to the Petition.

11. Childcare Arrangement Plan undertaking of prospective adoptive mother is on record at Page Nos. 117-118 to the Petition. The Home Study Report Part I Self Assessment of the Prospective Adoptive Parents is on record at page Nos. 119-127 & 140-149 to the Petition.

12. The Home Study Report Part II: Assessment reports of the Specialized Adoption Agency “Bharatiya Samaj Seva Kendra”, Pune dated 11/03/2022 & 07/02/2025 have found the prospective adoptive parents suitable for adopting a child. The said Home study reports are on record at page Nos. 128-139 & 150-159 to the Petition.

13. The child security undertaking dated 26/07/2025 given by the prospective adoptive mother’s brother residing at Sangli, Maharashtra to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.

175-176 to the Petition.

14. The Pre-adoption foster care undertaking dated 27/07/2025 is on record at page Nos. 60-62 to the Petition.

15. The Joint Declaration of consent & willingness to adopt 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 said female minor. The prospective adoptive parents have further agreed and undertaken to the Petitioner institution and to the Hon'ble Court that they will not give the said child in further adoption to anyone residing in or outside India. The said declaration is on record at page Nos. 58-59 to the Petition.

16. The Medical Examination Report of the said female minor dated 04/07/2025 is on record at page Nos. 166-171 to the Petition and it states, "Health Status: Normal. Overall observation of the child: Benign Congenital Hypotonia. Child will improve with regular physiotherapy. However, regular evaluation will be required". The prospective adoptive parents have countersigned the said Medical Examination Report.

17. The HIV report of the said female minor dated 17/02/2025 certifies the case as Non Reactive. This report is on page No. 172 to the Petition.

18. The Post Card Size Photograph of the said female minor is on record at page No. 26 to the Petition.

19. As regards the change of name, the prospective adoptive parents desire that the female minor 'Jenifer' be renamed as "Shreya Rajesh Patil".

20. The undertaking of the Specialized Adoption Agency "Bharatiya Samaj Seva Kendra", Pune for furnishing post adoption follow-up reports is on record at page No. 174 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 15th 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 female minor child that she 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 :

“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."

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) This Hon'ble Court may be pleased to appoint the Co-Petitioners, Rajesh Tanaji Patil and Priyanka Rajesh Patil as the adoptive parents of the female minor, Jenifer @ Shreya Rajesh Patil, in the care of the Maharashtra State Women's Council Adoption Group at Maharashtra State Women's Council Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai - 400 009,

(b) That the Co-Petitioners be allowed to change the name of the minor from 'Jenifer' to 'Shreya Rajesh Patil,'

(c) *That the Co-Petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon'ble Court and to take the minor alongwith them, i.e. to the Co-Petitioners' family wherever they may reside or their work may require them to,*

(d) *That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of the Petitioner, as per the provisions of regulation 36 of the Adoption Regulations, ”.*

27. 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.

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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