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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.69 OF 2025
WITH
JUDGE'S ORDER NO.98 OF 2025**

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

**Mr.Ganapathysubramanian Iyer and
Mrs.Pallavi Iyer** **...Proposed
Adopters**

Mr. D.S. Gurav, Chamber Registrar is present.

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 3rd OCTOBER, 2025.

1. By this Indian Adoption Petition, the Petitioner and the Proposed Adoptive Parents have sought adoption of the female minor Roshni @ Aditi Ganesh Iyer (“the said female minor”) born on 10th October 2022.

2. The female minor Roshni, born on 10/10/2022 was

found abandoned by the Azad Maidan Police Station, Mumbai on 10/04/2024 and produced before the Child Welfare Committee (CWC), Mumbai City-II on 12/04/2024 and the child's safe custody was given to M.S.W.C. Asha Sadan the same day, as per the order of the said CWC dated 12/04/2024, under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The said female minor was thereafter transferred to the Petitioner Institution on 12/09/2024 as per the order of the said CWC for her further rehabilitation. The safe custody and transfer order is on record at page Nos. 21-22 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 15/05/2025. The Free for Adoption order is on record at page Nos. 23-25 to the Petition.

4. The Prospective Adoptive Father is an Indian National and the Prospective Adoptive Mother is an American National (OCI Card holder), both residing at Bangalore, India and both aged about 45 years.

5. They have been married for the past 19 years (16/03/2006) with no biological children. However, they have one adopted daughter “Vaishnavi”, aged about 6 years (DOB: 05/07/2019) from Pune, Maharashtra. Her Adoption Order, Medical Certificate, letter of acceptance and Birth certificate are on record at page Nos. 42-63 to the Petition.

6. The Passport and OCI Card copy of the prospective adoptive mother is on record at page Nos. 64-68 to the Petition.

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

8. 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. 158-164 to the Petition.

9. The Minutes of Adoption Committee meeting held on 08/08/2025 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.

10. The Medical report of the prospective adoptive parents dated 19/07/2025 is on record and it states that the health of the prospective adoptive parents does not disqualify them in parenting a child in anyway. Their HIV and HBsAg test reports certify the case as Non Reactive. These reports are on record at Page Nos. 31-38 to the Petition.

11. The Prospective Adoptive father is working as a Team Leader in Product Development with Shell India MP Ltd., Bangalore since 2020 and his monthly (June-2025) gross salary is Rs. 6,05,325/-. His Pay Slips, Income Tax Returns are on record at page Nos. 85-90 to the Petition.

12. The prospective adoptive mother is working as a Global Leader-Materials with Schneider Electric Private Limited, Bangalore since 05/12/2022 and her monthly (June-2025) gross salary is Rs. 7,46,528/-. Her Pay Slips, Income Tax Returns are on record at page Nos. 92-97 to the Petition.

13. The proof of residence, copies of PAN card and other supportive financial documents are on record at page Nos. 69-78 &

91,105 & 98-105 to the Petition.

14. Childcare Arrangement Plan undertaking of prospective adoptive mother is on record at Page Nos. 106-107 to the Petition and it states that in order to take care of the said minor, she will not be attending her place of employment for six months and after 6 months her mother-in-law, a resident of Pune, will come to her house and take care the child. The mother-in-law has also countersigned the said undertaking.

15. The Home Study Report Part I Self Assessment of the Prospective Adoptive Parents is on record at page Nos. 108-117 & 123-127 to the Petition.

16. The Home Study Report Part II: Assessment reports of the Specialized Adoption Agency “Shishu Mandir Children’s Home”, Bangalore dated 17/02/2021 & 06/01/2024 have found the prospective adoptive parents suitable for adopting a child. The said Home study reports are on record at page Nos. 118-122 & 128-140 to the Petition.

17. The child security undertaking dated 26/07/2025 given by the prospective adoptive father's cousin sister and brother-in-law, residing at Noida, U.P. to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 156-157 to the Petition.

18. 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 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. 79-80 to the Petition.

19. The Medical Examination Report of the said female minor dated 04/07/2025 is on record at page Nos. 146-153 to the Petition and it states, "Health Status: Normal. Overall observation of the child: a normal, healthy child". Her Social Quotient Report dated 25/06/2025 is on record at page Nos. 152-153 to the Petition and it states that she gains a social quotient of 93 points which places her in

Average Range of Social Functioning. The prospective adoptive parents have countersigned these Reports.

20. The HIV report of the said female minor dated 21/03/2025 certifies the case as Non Reactive. This report is on page No. 154 to the Petition.

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

22. The Pre-adoption foster care undertaking dated 09/08/2025 is on record at page Nos. 81-84 to the Petition.

23. As regards the change of name, the prospective adoptive parents desire that the female minor 'Roshni' be renamed as "Aditi Ganesh Iyer".

24. The undertaking of the Specialized Adoption Agency "Shishu Mandir Children's Home", Bangalore for furnishing post adoption follow-up reports is on record at page No. 155 to the Petition.

25. 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.

26. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 17th September, 2025 which is taken on record and marked 'X' for identification.

27. 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.

28. 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

¹ W.P.(L) No.32065 of 2022

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;

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.”

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

30. 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, Mr. Ganapathysubramanian Iyer and Mrs. Pallavi Iyer as the adoptive parents of the female minor Roshni @ Aditi Ganesh Iyer in the care of Maharashtra State Women’s Council Asha Sadan Balgruh, Asha Sadan Marg, Umderkhadi, Mumbai-400 009’,

(b) That the Co-Petitioners be allowed to change the name of the minor ‘Roshni’ to “ Aditi Ganesh Iyer”.

(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 along with them, i.e. to the Co-Petitioners family wherever they may reside or their Work may require them to,

(d) That the concern 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”

31. There is an undertaking of the Adoptive Parents in the Judge’s Order to invest Rs.5 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.

32. The Judge’s Order is also accepted and signed separately.

33. Indian Adoption Petition is accordingly disposed of.

There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

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