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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.70 OF 2025
WITH
JUDGE'S ORDER NO.99 OF 2025

Vatsalya Trust

...Petitioner

Versus

Mr.Biju A. and Mrs.Manjusha U.

...Proposed
Adopters

Ms.Sangeeta Nagpal, 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 Urvi @ Urvi Nanda M.B. ("the said female minor") born on 21st May, 2024.

2. The biological mother surrendered the said female minor before the Child Welfare Committee (CWC), Mumbai Suburban

District on 28/05/2024 and the minor's custody was given to the Petitioner institution Vatsalya Trust, Mumbai on the same day as per the order of the said CWC dated 28/05/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order is on record at page No. 91 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Mankhurd, Dist. Mumbai declared the said female minor "Legally Free for Adoption" on 29/08/2024. The Free for adoption Certificate is on record at page Nos. 89-90 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals residing at Thiruvananthpuram, Kerala aged about 48 years and 41 years respectively. They have been married for the past 9 years (16/06/2016) with no biological children.

5. The prospective adoptive mother was married previously on 14/05/2006 and divorced on 03/06/2014 with no issues from this marriage. The Divorce Decree is on record at page Nos. 27- 27-b to

the Petition.

6. The Motivation Letter of the Prospective Adoptive Parents is on record at Page No.72 to the Petition. 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. 100-105 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 20/12/2024 is on record at page No. 86 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 10/08/2024 is on record at page Nos. 31-37 to the Petition and it states that they do not have any physical or mental condition which would impair their ability to care for an adoptive child. Their HIV & HBsAg test reports certify the case as Non reactive.

9. The Prospective Adoptive father is working as a Truck Driver with North Rumh Foundation for Vegetables and Fruits, Saudi Arabia

since 2007 and his monthly salary is 3000 Saudi Riyals (=Rs. 70,000/-). His Employment and Income Certificate of Village Office are on record at page Nos. 40-42. The prospective adoptive mother is a Homemaker.

10. The copies of PAN card, Proof of Residence and supportive financial documents are on record at page Nos.23, 25, 30 and 43-47 to the Petition.

11. The Home study report Part I Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 48-54 & 59-65 to the Petition.

12. The Home Study Report Part II: Assessment reports dated 05/07/2021 and 09/09/2024 of the Specialized Adoption Agency “Kerala State Council for Child Welfare”, Thiruvananthapuram, Kerala have found the prospective adoptive parents suitable for adopting a child. The said Home study reports are on record at page Nos. 55-58 & 66-70 to the Petition.

13. The child security undertaking dated 09/12/2024 given

by the prospective adoptive father's cousin brother and sister-in-law residing at Thiruvananthapuram, Kerala to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 73-74 to the Petition.

14. 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 said declaration is on record at page Nos. 95-96 to the Petition.

15. The Medical Examination of the said female minor dated 22/11/2024 is on record at page Nos. 78-84 to the Petition and it states, " Health status of the child: Normal. Overall Observation of the child: Child's development is a dynamic process and may show variation with time. At present up to now her overall mental & physical development is within normal limits". The prospective adoptive parents have countersigned the said report.

16. The HIV report of the said female minor dated 06/11/2024 certifies the case as Negative. This report is on record at

page No. 85 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.97 to the Petition.

17. As regards the change of name, the prospective adoptive parents desire that the said female minor 'Urvi' be renamed as "Urvi Nanda M.B.".

18. The Pre-adoption foster care undertaking dated 09/12/2024 is on record at page Nos.93-94 to the Petition.

19. The said female minor is placed with the prospective adoptive parents for about 9 months. The first post-adoption follow up report of the said female minor dated 11/04/2025 of the Specialized Adoption Agency "Kerala State Council for Child Welfare", Thiruvananthapuram, Kerala is on record at page Nos.99-a to 99-c to the Petition and it states that the said female minor is currently under the prospective adoptive mother's care. The prospective adoptive father is currently working in the Gulf and returns home every four months. Despite this, the child maintains a strong emotional connection with him through regular communication and visits. The child has adjusted well to the adoptive

family and is growing in a nurturing environment. After all assessment by the Social Worker, it is observed that the said female minor is developing well in all aspects and has a strong emotional bond with the adoptive family.

20. The undertaking dated 11/12/2024 given by the authorities of Specialized Adoption Agency “Kerala State Council for Child Welfare”, Thiruvananthapuram, Kerala for furnishing post adoption follow-up reports is on record at page No.99.

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 17th 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, 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.*

¹ W.P.(L) No.32065 of 2022

(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 (e) of the Petition, which read thus:-

(a) For adoption of the proposed female minor baby Urvi @ Urvi Nanda M.B., born on 21/05/2024 By the Proposed Adopters under Juvenile Justice Act.

(b) For declaring the proposed adopters as adoptive parents of the said minor and shall have all parental rights, privileges and Responsibilities over the said minor Urvi Nanda M.B..

(c) That the proposed adopters be granted permission to change the Name of minor Urvi to Urvi Nanda M.B..

(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Urvi Nanda M.B. born on 21/05/2024 and stating thereon that the prospective adoptive parents as the Parents of the said minor.

(e) 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.

27. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.3 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. POONTIWALLA, J.]

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