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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. 71 OF 2025
WITH
JUDGE'S ORDER NO. 100 OF 2025**

Bal Asha Trust

...Petitioner

Versus

**Mr. Kuntal Bhattacharjee and Mrs. Babia
Kundu (Pro. Adop Parents)**

...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.Swarupa Arora, Head of Program Operation of Petitioner – Bal
Asha Trust present

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

CORAM : FIRDOSH P. POONIWALLA, J.

DATE : 7th NOVEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the male minor
Taimur @ Koustav Bhattacharjee (“the said male minor”) born on
24th January 2025.

2. The male minor Taimur was born on 24/01/2025 and

the biological parent of the child surrendered the said male minor before the Child Welfare Committee (CWC), Mumbai City-II on 28/01/2025 and the said minor's safe custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 28/04/2025 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. 25 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee, Mumbai City II declared the said male minor "Legally Free for Adoption" on 28/04/2025. The Free for adoption Certificate is on record at page Nos. 23-24 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Cooch Behar, West Bengal, both aged about 41 years respectively. They have been married for the past 14 years (24/02/2011) with no biological children.

5. Motivation letter from the Prospective Adoptive Parents is on record at page No. 37 to the Petition.

6. 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. 103-107 to the Petition.

7. The Minutes of Adoption Committee Meetings held on 30/06/2025 and 11/07/2025 is on record at page Nos. 19-22 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

8. The Medical Fitness Certificates of the prospective adoptive parents is on record and it states that they are in a state of good physical and mental health and have no problem for proper parenting of child. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos. 31-37 to the Petition.

9. The Prospective Adoptive Father is working as an Upper Division Clerk with Health and Family Welfare, Govt. of West Bengal CMOH Office, Jalpaiguri, West Bengal since 2009 and his monthly salary is Rs. 53,560/-. His Pay slips, Form No. 16 and Income Tax Returns are on record at Page Nos. 46-53 to the Petition.

10. The Prospective Adoptive Mother is working as a Social Worker with Jalpaiguri Government Medical College and Hospital, Jalpaiguri and her monthly (June-2025) gross salary is Rs. 25,000/-. Her Salary Statements and Income Tax return are on record at Page Nos. 54-56 to the Petition.

11. Proof of residence (copies of Aadhar Card), Pan Card copies and Supportive Financial Documents are on record at page Nos. 38-41 & 57-64 to the Petition.

12. The childcare plan declarations of the prospective adoptive mother and her mother are on record at page Nos.65-66 to the Petition.

13. The home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 67-71 to the Petition.

14. The home study report part II: Assessment report dated 05/09/2024 of the Specialized Adoption Agency “New Bharati Club”, Cooch Behar, West Bengal has found the prospective adoptive parents suitable for adopting a child. These reports are on record at page

Nos. 72-76 to the Petition.

15. The child security undertaking dated 16/07/2025 of the Prospective Adoptive father's cousin brother and his wife residing at Jalpaiguri, West Bengal to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page No. 88 to the Petition.

16. Medical Examination Report dated 06/05/2025 of the said male minor is on record at page Nos. 91-99 to the Petition and it states, "Health status of the child: Normal. The overall observation of the child: Taimur was admitted to the institution his weighing 2.60 kg and has mild anemia. He is growing on iron supplementary. He is growing well in Institution". The Prospective Adoptive Parents have countersigned the said report.

17. The HIV report of the said male minor dated 18/09/2025 certifies the case as Non-Reactive. The said report is on record at page No. 101 to the Petition. The Post Card Size Photograph of the said male minor is on record at page No. 102 to the Petition.

18. The Declaration of consent and undertaking of the prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of said male minor. This declaration is on record at page Nos. 42-43 to the Petition.

19. The Pre-adoption foster care Affidavit dated 16/07/2025 is on record at page Nos. 44-45.

20. As regards the change of name, the prospective adoptive parents desire that the said male minor 'Taimur,' be renamed as "Koustav Bhattacharjee".

21. The Undertaking dated 03/07/2025 given by the authorities of "New Bharati Club" Cooch Behar, West Bengal for furnishing post adoption follow-up reports is on record at page No. 108 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. 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.

23. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 3rd October, 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 male minor child that he 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 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

¹ WP(L) No.32065 of 2022

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

(b) 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.

(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 Koustav Battacharjee born on 24/01/2025 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 'Taimur' to "Koustav Battacharjee".

28. 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 his 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. POONIWALLA, J.]

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