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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. 75 OF 2025  
WITH  
JUDGE'S ORDER NO. 105 OF 2025

Mr. Inacio Santan Rathos  
and

Mrs. Maggie Joyce Rathos

...Petitioners

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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.

Mr. Inacio Santan Rathos, Adoptive Father, Mrs. Maggie Joyce  
Rathos, Adoptive Mother and Ms. Audris Daniela Rathos, Adoptee  
female present in Chamber

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CORAM : FIRDOSH P. POONIWALLA, J.  
DATE : 10<sup>th</sup> OCTOBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the  
Proposed Adoptive Parents have sought adoption of the female  
Audris Daniela Rathos ("the said female") born on 19<sup>th</sup> January 1992.

2. The female Audris Daniela Rathos, born on 19/01/1992  
was an inmate of St. Catherine's Home, Mumbai. The Petitioners had  
filed Indian Guardianship Petition No.94 of 1992 to declare

themselves as Guardians of the said Adoptee and pursuant to the said St. Catherine's Home proposing the said Adoptee in Guardianship to the Petitioners. The Guardianship Petition was allowed by this court vide its order dated 22<sup>nd</sup> July, 1992. The Guardianship Order is on record at page Nos.15-18 to the Petition.

3. The present Adoption Petition is filed by the Petitioners as per the Judgement dated 27<sup>th</sup> October 1999 of the then Justice F.I. Rebello reported in 2000 All MR pg.39.

4. The Petitioners are Indian Nationals, residing at Bhandup, Mumbai, aged about 67 years and 63 years respectively, have been married for the past 39 years (04/01/1986) and have one biological son aged about 31 years (DOB: 06/08/1994). His Aadhar & PAN card copies and consent letter to this adoption is on record at page Nos. 25-27 to the Petition.

5. The Medical Certificate dated 08/07/2025 of the Petitioners is on record at page Nos. 28-29 to the Petition and it states that both are physically and mentally fit for age.

6. The Latest Family Photograph is on record at page No. 19 to the Petition.
7. The Petitioner No. 1 is a Retired employee of M/s. Burroughs Welcome India Limited with 24 years of service. His income for the Assessment Year 2024-25 is Rs. 4, 63,700/- from Pension, Rent and interest from various investments. His Income Affidavit and Income Tax Returns are on record at page Nos. 30-34 to the Petition.
8. The Petitioner No. 2 is a Retired employee of M/s. Piramal Enterprises limited after 29 years of service. Her income for the Assessment Year 2024-25 is Rs.7, 89,450/- from Pension and interest from various investments. Her Income Tax Returns are on record at page Nos. 35-37 to the Petition.
9. The Petitioners Copies of Pan and Aadhar Card are on record at page Nos. 21-24 to the Petition.
10. The Supportive financial documents and Proof of Residence are on record at Page Nos. 38-52 to the Petition.

11. The said Adoptee's Latest Photograph, Aadhar and Pan Card copies and consent to this adoption are on record at Page Nos.66-68 & 70 to the Petition.

12. The Medical Certificate dated 08/07/2025 of the said Adoptee is on record at page No. 69 to the Petition and it states that she is physically and mentally fit for age.

13. The home study report dated 30/07/2025 of the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm is on record at page Nos. 53-55 to the Petition and the Social Worker has recommended the said Adoptee's case for adoption, as it will be in the best interest of the said Adoptee.

14. The latest follow up report of the said female dated 30/07/2025 is on record at page Nos. 56-57 to the Petition and it states that the said Adoptee is a healthy, cheerful and gleaming young woman with good energy. She shares a loving and secure bond with both her parents and her older sister. She demonstrates positive self-expression and a strong sense of belonging. Her enthusiasm for

family traditions, especially shared vacations, reflects her deep emotional bond with her parents. She continues to thrive within the nurturing support of her adoptive family and remains well-regarded by extended relatives and community members alike. The said adoptee has done BA in English Literature and further completed PGDM in HR Management from the Welingkar Institute of management, Matunga. She has been working for Hindustan Platinum Pvt. Ltd., since the last 10 years.

15. Recommendation letters in support of adoption of said Adoptee from close friends are on record at page Nos. 58-65 to the Petition.

16. As regards the change of name, the Petitioners desire that the said Adoptee 'Audris Daniela Rathos' be renamed as "Audris Inacio Rathos".

17. Based on the Indian Guardianship Petition No. 94 of 1992 granted on 22/07/1992 by this Hon'ble Court in the favour of the petitioners and the latest home visit report/progress report prepared by the Qualified Social Worker, that the said Adoptee is well integrated into the adoptive family, the Indian Council of Social

welfare recommended the Petitioners be considered suitable candidates to proceed with the legal adoption process.

18. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 4<sup>th</sup> October 2025 which is taken on record and marked 'X' for identification.

19. 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 child that she is adopted by the Proposed Adopters.

20. 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.*<sup>1</sup> 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 :

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<sup>1</sup> 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.”

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

22. In these circumstances, the Petition is allowed in terms of prayer Clauses (a) to (d) of the Petition, which read thus:-

“(a) That this Hon’ble Court may be pleased to declare the Petitioners as Adoptive Parents of the said female Audris Inacio Rathos, under the guardianship of the Petitioners.

*(b) That this Hon'ble Court may be pleased to Condone the delay in filing the present Petition.*

*(c) That the Petitioners be allowed to change the name of the said female from 'Audris Daniela Rathos' to "Audris Inacio Rathos".*

*(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said female Audris Inacio Rathos, born on 19/01/1992 and stating that thereon that the Petitioners as the Parents of the said female Audris Inacio Rathos."*

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

24. Indian Adoption Petition is accordingly disposed of.

There shall be no order as to costs.

**[FIRDOSH P. POONIWALLA, J.]**

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