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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. 76 OF 2025
WITH
JUDGE'S ORDER NO. 106 OF 2025

Bal Anand

...Petitioner

Versus

Mr. Swapnali Sashikant Joshi
and

Mrs. Sampada Swapnil Joshi

...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.

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

Mr. Swapnali Sashikant Joshi, Adoptive father present in Chamber

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 10th OCTOBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the female minor
Gauri @ Saavi Swapnil Joshi ("the said female minor") born on 25th
December 2023.

2. The female minor Gauri, born on 25/12/2023 was found

abandoned by the Govandi Police Station, Mumbai on 14/03/2024 and produced before the Child Welfare Committee (CWC), Mumbai Suburban-I and the child's custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 14/03/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order of CWC is on record at page No. 24 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 Suburban District, Mumbai declared the said female minor "Legally Free for Adoption" on 06/02/2025. The Free for adoption Certificate is on record at Page No. 22-23 to the Petition.

4. The Prospective Adoptive parents are Indian nationals, residing at Balewadi, Pune aged about 40 and 36 years respectively. They have been married for the past 11 years (21/01/2014) with no biological children.

5. Motivation Letter by the Prospective Adoptive Parents is on record at page No. 34 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 06/05/2025 is on record at page Nos. 20-21 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. 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. 142-146 to the Petition.

8. The Medical report of the prospective adoptive parents dated 17/04/2024 is on record and it states that they are not suffering from any health problem currently and both are fit. Their HIV I & II and Hepatitis B test reports certify the case as Non-Reactive. These reports are at page Nos. 28- 33 to the Petition.

9. The Prospective Adoptive Father is working as a Director (Finance) with UBS Business Solutions Private Limited, Yerwada, Pune since March 2018 and his monthly (March-2025) gross salary is Rs. 3,86,233/-. His Pay Slips and Income Tax Returns are on record at page Nos. 42-45 to the Petition.

10. The prospective adoptive mother is working as a

Part time Jr. Kg. Class Teacher with Petals Kid School & Day Care, Balewadi, Pune since July 2018 and her current annual salary is Rs. 1,50,000/-. Her Employment and Income Certificate is on record at page No. 46 to the Petition.

11. The Proof of Residence, PAN Card copies and other supportive financial documents are on record at page Nos. 35-37 & 47-70 to the Petition.

12. The childcare arrangement declaration of the prospective adoptive parents and the parents of prospective adoptive mother is on record at page Nos. 71-73 to the Petition.

13. The home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 74-93 to the Petition.

14. The home study report part II: Assessment reports dated 17/11/2021 and 15/11/2024 of the specialized Adoption Agency “Adhar Orphanage Centre”, Pune have found the prospective adoptive parents suitable for adopting a child. These reports are at page Nos.94-107 to the Petition.

15. The child security undertaking dated 23/04/2025 by the Prospective Adoptive father's brother and sister-in-law residing at Vile Parle, Mumbai to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page No. 123-125 to the Petition.

16. Medical Examination Report of the said female minor dated 05/04/2025 is on record at page Nos. 129-138 to the Petition and it states "Health Status: Normal. Overall Observation of the child: Gauri has off-and-on episodes of wheezing and upper respiratory tract infection that are manageable with symptomatic treatment". The prospective adoptive parents have countersigned the said Medical Examination Report.

17. The HIV test report of the said female minor dated 18/11/2024 certifies the case as Non Reactive. This report is on record at page No. 140 to the Petition. Post Card Size Photograph of the said female minor is on record at page No. 141 to the Petition.

18. The Declaration of consent, willingness and undertaking by the prospective adoptive parents are on record and it states that they are willing to be appointed and declared as adoptive parents of

the said female minor. This declaration is at page No. 38 to the Petition.

19. The Pre-adoption foster care undertaking dated 29/04/2025 is on record at page Nos. 39-41 to the Petition.

20. The undertaking dated 30/04/2025 given by the Specialized adoption agency “Adhar Orphanage Centre”, Pune for furnishing post adoption follow-up reports is on record at page No. 147 to the Petition.

21. As regards the change of name, the prospective adoptive parents desire that the minor ‘Gauri’ be renamed as “Saavi Swapnil Joshi”.

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 22nd September, 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 female minor child that she 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 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,

¹ W.P.(L) No.32065 of 2022

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 Saavi Swapnil Joshi 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 female minor Saavi Swapnil Joshi born on 25/12/2023 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 'Gauri' to "Saavi Swapnil Joshi".

28. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.4 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.

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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