

Mohite

Digitally
signed by
TRUSHA
TUSHAR
MOHITE
Date:
2025.10.16
14:48:22
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION**

**INDIAN ADOPTION PETITION NO. 77 OF 2025
WITH
JUDGE'S ORDER NO. 107 OF 2025**

**Mr. Jerome Salvadore Gomes
and**

Mrs. Lena Ann Gomes

...Petitioners

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. Jerome Salvadore Gomes and Mrs. Lena Ann Gomes, Adoptive
Parents 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
Josephine Gomes ("the said female") born on 12th February 1987.

2. The female Josephine Gomes, born on 12/02/1987 was
an inmate of Missionaries of Charity, Mumbai. The Petitioners had
filed Indian Guardianship Petition No. 12 of 1988 to declare

themselves as Guardians of the said Adoptee and pursuant to the said Missionaries of Charity proposing the said Adoptee in Guardianship to the Petitioners. The Guardianship Petition was allowed by this court vide its order dated 27th April, 1988. 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 27th October 1999 of the then Justice F.I. Rebello reported in 2000 All MR pg.39.

4. The Petitioners are Indian Nationals, residing at Santa Cruz East, Mumbai, aged about 78 years and 76 years respectively have been married for the past 51 years (23/06/1974) and have no biological children.

5. The Medical Certificate dated 24/06/2025 of the Petitioner No. 1 is on record at page Nos. 25 to the Petition and it states, "He is under treatment for Hypertension and blood pressure is well-controlled. He is medically fit".

6. The Medical Certificate dated 24/06/2025 of the Petitioner No. 2 is on record at page Nos. 26 to the Petition and it

states, “She is under treatment for Hypertension and her blood pressure is well-controlled. She is medically fit”.

7. The Latest Family Photograph is on record at page No. 19 to the Petition.

8. The Petitioner No. 1 is a Retired employee of M/s. Bharat Diamond Bourse after serving many decades. His income for the Assessment Year 2024-25 is Rs. 26, 25,390/- from consultancy, interest from deposits with banks and pension. His Income Affidavit and Income Tax Returns are on record at page Nos. 28-33 to the Petition.

9. The Petitioner No. 2 is a Retired employee of M/s. Colgate Palmolive after 19 years of service. Her income for the Assessment Year 2024-25 is Rs. 18, 06,560/- from interest income from fixed deposits with banks and dividend income from shares. Her Income Affidavit and Income Tax Returns are on record at page Nos. 34-39 to the Petition.

10. The Petitioners Copies of Pan and Aadhar Card are on record at page Nos. 21-24 to the Petition.

11. The Supportive financial documents and Proof of Residence are on record at Page Nos. 40-47 to the Petition.

12. The home study report dated 08/06/2025 of the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm is on record at page Nos. 48-50 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.

13. The latest follow up report of the said Adoptee dated 08/06/2025 is on record at page Nos. 51-52 to the Petition and it states that she is a healthy, cheerful and vibrant young woman, radiating enthusiasm and warmth. She has adjusted beautifully within the household and is well-accepted by the extended family. The Petitioners has embraced her wholeheartedly, and the said adoptee, in turn responds positively to their love and care, appearing happy, secure, and well-nurtured in her adoptive home. After her graduation in Commerce, she did MBA from Symbiosis, Pune. Currently she works in Dubai for the Emirates Airlines as Crew Attendance Specialist.

14. The said Adoptee's Latest Photograph, Aadhar and Pan

Card copies and consent to this adoption are on record at Page Nos.62-64 & 66 to the Petition.

15. The Medical Certificate dated 17/06/2025 of the said Adoptee is on record at page No. 65 to the Petition and it states that she is medically fit.

16. Recommendation letters in support of adoption of the said Adoptee from close friends are on record at page Nos. 53-61 to the Petition.

17. Based on the Indian Guardianship Petition No. 12 of 1988 granted on 27/04/1988 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 28th September, 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 minor 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.***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

¹ W.P.(L) No.32065 of 2022

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 (c) 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 Josephine Gomes, 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 concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said female Josephine Gomes, born on 12/02/1987 and stating that thereon that the Petitioners as the Parents of the said female Josephine Gomes."

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. POONTIWALLA, J.]

Privacy warning : No part of this Order shall be uploaded on any public domain or portal without this Court's express permission.