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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. 78 OF 2025
WITH
JUDGE'S ORDER NO. 108 OF 2025**

**Mr. Kulbir Singh Ahuja
and**

Mrs. Harpreet Ahuja

...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.Rakesh
K.L.Kapoor i/b M/s.Rakesh K.L.Kapoor and Co., for the Petitioner.

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

Mr. Kulbir Singh Ahuja and Mrs. Harpreet Ahuja, 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 Riya
Ahuja ("the said female") born on 13th August 2002.

2. The female Riya Ahuja, born on 13/08/2002 was an
inmate of Holy Cross Social Service Centre, New Delhi. The
Petitioners had filed Guardianship Petition No. 51 of 2003 to declare

themselves as Guardians of the said Adoptee and pursuant to the said Holy Cross Social Service Centre proposing the said Adoptee in Guardianship to the Petitioners. The Guardianship Petition was allowed by the District & Sessions Judge, Delhi vide its order dated 21st February, 2003. The Guardianship Order is on record at page Nos.15-16 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 Versova, Andheri West, Mumbai, aged about 67 years and 62 years respectively have been married for the past 36 years (23/01/1989) and have no biological children. However, they have one adopted daughter now aged about 27 years (DOB: 06/08/1998 from New Delhi. She was adopted by the Petitioners under Section 9 (4) of the Hindu Adoption and Maintenance Act, 1956 and the said adoption was allowed by the Court of District Judge, Delhi vide its order dated 20/05/1999 and 31/05/1999 respectively. Her Adoption Orders, Deed of Adoption, Copy of Aadhar & PAN Card, Medical Certificate

and Consent Letter are on record at page Nos. 19-30 to the Petition.

5. The Latest Family Photograph is on record at page No. 17 to the Petition.

6. The Medical Certificate dated 30/03/2025 of the Petitioners is on record at page Nos. 35-36 to the Petition and it states that both are medically and mentally fit.

7. The Petitioner No. 1 is a Retired employee, currently works as a Coach and Mentor to senior leaders of corporate house and is certified for the same by the IBM learning academy and Marshall Goldsmith Stakeholders Centered Coaching. His income for the Assessment Year 2024-25 is Rs. 36,10,290/-. The Chartered Accountants Income Certificate and Income Tax Returns of the Petitioner No. 1 is on record at page Nos.37-40 to the Petition. The Petitioner No. 2 is a Homemaker.

8. The Petitioners Copies of Pan and Aadhar Card are on record at page Nos. 31-34 to the Petition.

9. The Supportive financial documents and Proof of

Residence are on record at Page Nos. 41-77 to the Petition.

10. The home study report dated 01/09/2025 of the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm is on record at page Nos.78-80 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.

11. The latest follow up report of the said Adoptee dated 01/09/2025 is on record at page Nos. 81-82 to the Petition and it states that the said Adoptee is a healthy, cheerful and vibrant young woman, radiating enthusiasm and warmth. She shares a loving and secure bond with both her parents and her older sister. She has adapted beautifully within the household and is warmly embraced by the extended family. After graduating in International Relations from Symbiosis Institute Pune, she is currently pursuing her LLB in Scotland, having completed the first year, she is now in the second year. She comes home for Annual Holidays.

12. The Medical Certificate dated 30/03/2025 of the said Adoptee is on record at page No. 97 to the Petition and it states that she is medically fit for all purposes.

13. The said Adoptee's Latest Photograph, Aadhar and Pan Card copies and consent to this adoption are on record at Page Nos.94-96 & 98 to the Petition.

14. Recommendation letters in support of adoption of the said Adoptee from close friends are on record at page Nos. 86-93 to the Petition.

15. Based on the Guardianship Petition No. 51 of 2003 granted on 21/02/2003 by the District & Sessions Judge, Delhi 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.

16. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 15th September, 2025 which is taken on record and marked 'X' for identification.

17. 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 that she is adopted by the Proposed Adopters.

18. 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."

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

20. 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 Riya Ahuja, 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 Riya Ahuja, born on 13/08/2002 and stating that thereon that the Petitioners as the Parents of the said female Riya Ahuja. "

21. The Judge's Order is also accepted and signed separately.
22. Indian Adoption Petition is accordingly disposed of. There shall be no order as to costs.

[FIRDOSH P. POONTWALLA, J.]

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