

Digitally
signed by
TRUSHA
TUSHAR
MOHITE
Date:
2025.11.11
16:10:25
+0530

Mohite

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

**INDIAN ADOPTION PETITION NO. 79 OF 2025
WITH
JUDGE'S ORDER NO. 110 OF 2025**

Bal Asha Trust

...Petitioner

Versus

**Mr. Prasanjit Shahaji Kshirsagar and Mrs.
Nikita Prasanjit Kshirsagar**

...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
Yash @ Kishore Raghunath Londhe @ Yash Prasanjit Kshirsagar (“the
said male minor”) born on 10th January 2016.

2. The male minor Yash @ Kishore Raghunath Londhe,

born on 10/01/2016 was found abandoned by the Sewri Police Station on 30/11/2022 and produced before the Child Welfare Committee (CWC), Mumbai City-II 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 30/11/2022 under provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Safe Custody of the CWC and consent letter of the said minor are on record at page Nos. 25-26 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 26/10/2023. 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 Thane, Maharashtra aged about 44 years and 43 years respectively. They have been married for the past 3½ years (06/03/2022) with no biological children. The Prospective Adoptive Father was married earlier on 02/11/2011 and divorced on 08/10/2020 with no issues. The divorce decree is on record at page

Nos. 32-40 to the Petition.

5. Motivation letter from the Prospective Adoptive Parents is on record at page No. 47 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. 155-158 to the Petition.

7. The Minutes of Adoption Committee Meetings held on 19/03/2025 and 03/04/2025 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 health reports dated 08/03/2025 of the prospective adoptive parents is on record and it states that both are in good health. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos. 41-46 to the Petition.

9. The Prospective Adoptive Father was worked with a Norr Drilling Company “Crystal Offshore” in Singapore on a Project and he

returned to India after the passing of his father in August 2024. At present he has started a private company “M/s. Daecca International Pvt. Ltd” which will focus on onshore drilling operations within India. As per Chartered Accountant Certificate dated 19/05/2025 he earned Rs. 32,015/- from the Deposit interest from ICICI Bank during the previous financial year 2024-25. Income Certificate of Chartered Accountants, Self Affidavit and Income Tax Returns are on record at Page Nos. 65-69 to the Petition. The Prospective Adoptive Mother is a Homemaker.

10. Proof of residence, Pan and Aadhar Card copies and Supportive Financial Documents are on record at page Nos. 48-52 & 70-93 to the Petition.

11. The home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 94-102 to the Petition.

12. The home study report part II: Assessment reports dated 13/08/2024 27/03/2025 and 23/07/2025 along with a Counseling Report dated 27/03/2025 of the Specialized Adoption Agency “Janani Ashish Charitable Trust”, Dombivli, Dist. Thane, Maharashtra have

found the prospective adoptive parents suitable for adopting a child aged 8 to 10 years old. These reports are on record at page Nos. 103-118 to the Petition.

13. The child security undertaking dated 20/04/2025 of the Prospective Adoptive mother's sister and brother-in-law residing at Kolhapur, Maharashtra to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page No. 128-133 to the Petition.

14. Medical Examination Report dated 25/02/2025 of the said male minor is on record at page Nos. 136-147 to the Petition and it states that the health status of the child is normal. The overall observation of the child states that he has not suffered from any major illness needing hospitalization and is currently disease free. He is receiving Iron supplements for low Hb. He is developmentally normal for his age. He studies in 3rd Std in Vasantrao Shankar Desai Primary School. The Prospective Adoptive Parents have countersigned the said report.

15. The Report of Psychological Testing of the said male minor dated 13/02/2025 is on record at Page Nos. 148-150 to the

Petition and it states that he has average intellectual functioning and average social functioning. His Language, Speech and hearing report of February 2025 is on record at page No. 151 to the Petition and it states that he has no significant delay in his language acquisition. He requires language therapy sessions and conducive environment to achieve age-appropriate milestones. The Prospective Adoptive Parents have countersigned these reports.

16. The HIV report of the said male minor dated 16/07/2024 certifies the case as Non-Reactive. The said report is on record at page No. 153 to the Petition. The Post Card Size Photograph of the said male minor is on record at page No. 154 to the Petition.

17. 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. 53-58 to the Petition.

18. As regards the change of name, the prospective adoptive parents desire that the said male minor 'Yash @ Kishor Londhe' be

renamed as “Yash Prasanjit Kshirsagar”.

19. The Undertaking dated 22/04/2025 given by the Specialized Adoption Agency “Janani Ashish Charitable Trust”, Dombivli, Dist. Thane, Maharashtra for furnishing post adoption follow-up reports is on record at page No. 159 to the Petition.

20. The Pre-adoption foster care Affidavit dated 11/04/2025 is on record at page Nos. 59-64 to the Petition.

21. The said male minor has been placed with the prospective adoptive parents for foster care since 12/04/2025. The first pre-legal adoption placement report of the child dated 23/07/2025 is on record at page Nos. 160-164 to the Petition and states that the prospective adoptive parents shared that while the said male minor faces some developmental challenges, they truly appreciate his positive qualities. He listens to his parents, cares deeply for them, and is making sincere efforts to improve his academics and memory. However, they are concerned about his slow pace in learning, low grasping ability, and short-term memory issues. He often forgets instructions quickly, requiring repeated guidance (4-5 times) to process and act on them. In social settings, he remains

reserved and hesitates to initiate conversations, rarely asks others names, and initially needed encouragement to interact with peers. Academically, he faces difficulties with copying, dictation, and associating spoken and written word. He is not as physically confident as other children and shows hesitation in outdoor activities, but his parents acknowledge that he is trying his best in every area and they remain committed to supporting his progress. After all assessment, the Social Worker observed that the prospective adoptive parents are enjoying the experience of raising the said male minor, though they acknowledge it comes with practical challenges that require patience and consistent effort. The Social Worker has suggested consulting a psychologist to better understand and address the said male minor's learning challenges.

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 9th 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 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,

¹ WP(L) No.32065 of 2022

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 Yash Prasanjit Kshirsagar in Adoption and be declared as parents having 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 Yash Prasanjit Kshirsagar born on 10/01/2016 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 'Yash @ Kishor Londhe' to "Yash Prasanjit Kshirsagar".

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.]

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