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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. 82 OF 2025
WITH
JUDGE'S ORDER NO. 115 OF 2025

Mr. Harshil Pankaj Vikmani and
Mrs. Priyal Harshil Vikmani

...Petitioner

And

Mrs. Priyal Harshil Vikmani

...Respondent/
Biological Mother

Mr. Hafeez Patanwala a/w Ms. Shikhani Shah i/b Nazish Sayed for the Petitioner.

Ms. Vandana M. Chinchalkar, Scrutiny Officer, ICSW present.

Mr. Harshil Pankaj Vikmani, Adoptive Father.

Mrs. Priyal Harshil Vikmani, Adoptive Mother a/w Master Manav present in chamber.

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

CORAM : FIRDOSH P. POONIWALLA, J.

DATE : 14th NOVEMBER, 2025.

ORDER :

1. This Indian Adoption Petition has been filed by the Petitioners under Regulation 55 of the Adoption Regulations, 2022 ("the Regulations, 2022") framed in exercise of powers under Clause (c) of Section 68 read with Clause (3) of Section 2 of the Juvenile

Justice (Care and Protection of Children) Act, 2015 (“the said Act”) which provides the adoption by a step father namely Petitioner No.1 of the male minor Manav Harsh Gandhi @ Manav Harshil Vikmani (“the said male minor”) born on 23rd November 2016, who is the biological son of Petitioner No.2.

2. The male minor Manav Harsh Gandhi @ Manav Harshil Vikmani was born on 23rd November, 2016 at Mumbai from the first marriage of Petitioner No.2. The Petitioner No.2 was married to one Mr. Harsh Lalitkumar Gandhi (biological father of the said male minor) on 10th December, 2013 at Ahmedabad and divorced on 22nd January, 2021 under Section 13B of the Hindu Marriage Act, 1955. The said male minor is now aged about 9 years. As per the mutually agreed terms in the Decree of Divorce, the custody of the child shall remain with his biological mother i.e. Petitioner No. 2. It has been further agreed that Petitioner No. 2 shall look after and maintain the child and shall fulfill her all the obligations towards the said male minor in future.

3. The Divorce Decree dated 22nd January, 2021 passed by the Judge, Family Court No.3, Ahmedabad is on record at page Nos.

37-45 to the Petition.

4. The Birth Certificate of the said male minor dated 03rd December, 2016 issued by the Municipal Corporation of Greater Mumbai D Ward is on record at page No. 21 to the Petition.

5. After the divorce, the Petitioner No.2 has married the Petitioner No.1 on 11th December, 2024 and since then the said male minor has been living with them. Now the Petitioner No.1 is desirous to adopt the said male minor.

6. The consent of the Biological parents and the Step-Parent has been provided as per Schedule XX and under regulations 7(22), 55(2), and 55(9) of the Adoption Regulations, 2022. Further the Petitioner No.1 as Step Parent has also obtained the permission of the Child Welfare Committee (CWC), Mumbai City-II on 13th June, 2025 for the purpose of Adoption of the said male minor. This is on record at page Nos.61-64 to the Petition. A separate consent of biological father of the said male minor dated 20th May, 2025 is also on record at Page Nos.56-59 to the Petition.

7. The consent letter of the said male minor is on record at

page No.65 to the Petition.

8. The Pre-Approval for In-Country Step Adoption of the Central Adoption Resource Authority (CARA) dated 29th September, 2025 is on record at page No. 66 to the Petition.

9. The Petitioner No 1 and 2 are Indian Nationals, residing at Matunga, Mumbai, aged about 32 and 33 years respectively. They have been married for about One year (11/12/2024) and have no biological children out of this wedlock.

10. The Certificate of Registration of Marriage is on record at page No. 46 to the Petition.

11. The Pan & Aadhar Card copies of the Petitioner No. 1 and 2 are on record at page Nos. 72-75 to the Petition.

12. The Medical Fitness Certificates dated 05th June, 2025 of the Petitioner No. 1 and 2 are on record at page No. 49-50 to the Petition and they states that both are in normal state of health and free from any communicable or non-communicable disease/illness or physical defects/infirmity.

13. The Petitioner No. 1 is working as a Senior Engineer with Jacobs Solutions India Private Limited, Mumbai since 16th September, 2024 and his monthly (September-2025) Net salary is Rs. 1,39,322/-. His Pay Slip and Indian Income Tax Return Acknowledgment for the Assessment Year 2024-25 is on record at page Nos. 77-78 to the Petition.

14. The Petitioner No. 2 is working as a Teacher at Fazlani L'Academie Globale, Mumbai since 24th June, 2020 and her monthly (September-2025) Net salary is Rs. 59,635/-. Her Pay Slip and Indian Income Tax Return Acknowledgment for the Assessment Year 2024-25 is on record at page Nos. 79-80 to the Petition.

15. The Proof of Residence and Supportive Financial Documents is on record at page Nos. 76 & 81-85 to the Petition.

16. The Family Background Report dated 03rd June, 2025 of the Child and the biological parents as per Schedule XXI of Adoption Regulations by the District Women and Child Protection Unit, Mumbai City has found the Petitioner No. 1 is suitable to adopt the said male minor. The said Report is on record at page Nos. 51-55 to the Petition.

17. The Medical Fitness Certificate dated 04th June, 2025 of the said male minor is on record at page No. 86 to the Petition and it states that he is in normal state of health and free from any communicable or non-communicable disease/illness or physical defects/infirmity.

18. As regards the change of name, the prospective adoptive parents desire that the said male minor 'Manav Harsh Gandhi' be renamed as "Manav Harshil Vikmani".

19. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 30th October, 2025 which is taken on record and marked 'X' for identification.

20. 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.

21. 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.*

(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.”*

22. Hence, it is clear that this Court can consider and dispose

¹ W.P.(L) No.32065 of 2022

of the present Petition.

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

“(a) The legal relationship of father of abovenamed Manav Harsh Gandhi may please be transferred to the step-parent i.e. Harshil Pankaj Vikmani i.e. Petitioner No. 1 herein adopting Manav along with the biological mother i.e. Petitioner No. 2 here and they be declared as the parents of the said Manav for all purposes allowed by the law.

(b) The Petitioners be permitted to change the name of the child in adoption from ‘Manav Harsh Gandhi’ to ‘Manav Harshil Vikmani’ born on November 23, 2016.

*(c) The concerned Brihanmumbai Municipal Corporation be directed to issue birth certificate in the name of ‘**Manav Harshil Vikmani**’ born on November 23, 2016 stating thereon that the Petitioners are the Parents of the said Manav within five days from the date of application, as provided in regulation 40 of Adoption Regulations.*

(d) That the Petitioners i.e. the step parents of Manav be granted leave to remove the said Manav from the jurisdiction of this Hon’ble Court and to take the said Manav out of the jurisdiction of this Hon’ble Court whenever required”.

24. There is an undertaking of the Adoptive Parents in the Judge’s Order to invest Rs. 3 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.

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

[FIRDOSH P. POONIWALLA, J.]

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