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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. 83 OF 2025
WITH
JUDGE'S ORDER NO. 116 OF 2025

Maharashtra State Women's Council
Adoption Group

...Petitioner

And

Mr. Priyank M. Loonker and
Mrs. Pratibha Sharma

...Proposed Adopters

Ms. Dipal Sanjanwala Mehta for the Petitioner.

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

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

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 14th NOVEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the Proposed Adoptive Parents have sought adoption of the female minor Aditi @ Arundhati Loonker ("the said female minor") born on 18th October 2024.

2. The female minor Aditi, born on 18th October, 2024 was found abandoned by the J.J. Marg Police Station on 28th November,

2024 and admitted to the Petitioner institution on the same day. On 29th November, 2024 the said female minor was produced before the Child Welfare Committee (CWC), Mumbai City-2 and her safe custody was given to the Petitioner Institution as per the order of the said CWC dated 29th November, 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The CWC safe custody order is on record at page No. 22 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the Child Welfare Committee, Mumbai City-II declared the said female minor “Legally Free for Adoption” on 13th February, 2025. The Free for Adoption order is on record at page Nos. 23-25 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals presently residing at New Delhi aged about 39 and 40 years respectively. They have been married for the past 13 years (09/12/2012) with no biological children.

5. The Motivation Letter of the prospective adoptive parents is on record at Page No. 28 to the Petition.

6. 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. 184-190 to the Petition.

7. The Minutes of Adoption Committee meeting held on 09th September, 2025 is on record at page Nos. 19-21 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

8. The Medical report of the prospective adoptive parents dated 30th September, 2025 is on record and it states that the health of the prospective adoptive parents does not disqualify them in parenting a child in anyway. The prospective adoptive father was detected pre-diabetics and is on medication. Their HIV and HBsAg test reports certify the case as Non Reactive. These reports are on record at Page Nos. 32-39 to the Petition.

9. The Prospective Adoptive father is working as a Head-Content & Knowledge with Mai Labs Private Limited, Noida since 03rd February, 2025 and his monthly (August-2025) gross salary is Rs. 2,48,200/-. His Contract of Employment, Pay Slips and Income Tax Returns are on record at page Nos. 59-87 to the Petition.

10. The prospective adoptive mother is working as a Project Manager with United Nations Development Programme (UNDP), New Delhi since February 2019 and her monthly (August-2025) gross salary is Rs. 3,89,149.52/-. Her Pay Slips and Income Tax Returns are on record at page Nos. 89-94 to the Petition.

11. The proof of residence, copies of PAN card and other supportive financial documents are on record at page Nos. 43-48 & 88, 95 & 96-130 to the Petition.

12. Childcare Arrangement Plan undertaking of prospective adoptive mother and her mother-in-law is on record at Page Nos. 131-133 to the Petition.

13. The Home Study Report Part I Self Assessment of the Prospective Adoptive Parents is on record at page Nos. 134-143 & 149-155 to the Petition.

14. The Home Study Report Part II: Assessment reports dated 12th March, 2022 of the Specialized Adoption Agency “Vatsalya Trust” Kanjur Marg, Mumbai and Updated Home Study Report dated 02nd May, 2025 of the Specialized Adoption Agency “Welfare For

Children” New Delhi have found the prospective adoptive parents suitable for adopting a child. The said Home study reports are on record at page Nos. 144-148 & 156-161 to the Petition.

15. The child security undertaking dated 14th September, 2025 given by the prospective adoptive mother’s sister and mother-in-law residing at Gurugram, Haryana to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 182-183 to the Petition.

16. The Pre-adoption foster care undertaking dated 14th September, 2025 is on record at page Nos. 52-55 to the Petition.

17. The Joint Declaration of consent & willingness to adopt by the prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of the female minor. The prospective adoptive parents have further agreed and undertaken to the Petitioner institution and to this Court that they will not give the said child in further adoption to anyone residing in or outside India. The said declaration is on record at page Nos. 49-51 to the Petition.

18. The Medical Examination Report of the said female minor dated 21st February, 2025 is on record at page Nos. 167-172 to the Petition and it states, "Health Status: Special Needs. Overall observation of the child: A normal, healthy infant. A small PFO of 2.50 mm with left to right shunt detected. Mild CTEV of right foot, which is responding well to physiotherapy'. The prospective adoptive parents have countersigned the said Medical Examination Report.

19. The Medical Examination Report dated 02nd July, 2025 at Part E Special Needs condition of child by the Department of Pediatrics Sir J. J. Group of Hospitals, Mumbai is on record at page Nos. 173-179 to the Petition and the report states that the said female minor's mild CTEV of right foot is improving and regular physiotherapy exercises advised. They further certified that the status of the said minor is now as Normal. The prospective adoptive parents have countersigned this report.

20. The HIV report of the said female minor dated 27th January, 2025 certifies the case as Non Reactive. This report is on page No. 180 to the Petition.

21. The Post Card Size Photograph of the said female minor is on record at page No. 27 to the Petition.

22. As regards the change of name, the prospective adoptive parents desire that the female minor 'Aditi' be renamed as "Arundhati Loonker".

23. The undertaking dated 12th September, 2025 of the Specialized Adoption Agency "Welfare Home For Children", New Delhi for furnishing post adoption follow-up reports is on record at page No. 181 to the Petition.

24. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 30th September, 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.

25. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 6th November, 2025 which is taken on record and marked 'X' for

identification.

26. 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.

27. 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 WP(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."*

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

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

"(a) This Hon'ble Court may be pleased to appoint the Co-Petitioners, Mr. Priyank M. Loonker and Mrs. Pratibha Sharma as the adoptive parents of the female minor Aditi @ Arundhati Loonker, in the care of Maharashtra State Women's Council Asha Sadan Balgruh, Asha Sadan Marg, Umderkhadi, Mumbai-400 009.

(b) That the Co-Petitioners be allowed to change the name of the minor from 'Aditi' to 'Arundhati Loonker',

(c) That the Co-Petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon'ble Court and to take the minor alongwith them, i.e. to the Co-Petitioners' family wherever they may reside or their work may require them to,

(d) That the concern Municipality/the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of the Petitioner; as per the Provisions of regulation 36 of the Adoption Regulations".

30. 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 her becoming a major. These undertakings are accepted as undertakings to this Court.

31. The Judge's Order is also accepted and signed separately.

32. Indian Adoption Petition is accordingly disposed of. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

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