

Mohite

TRUSHA
TUSHAR
MOHITE

Digitally signed by
TRUSHA TUSHAR
MOHITE
Date: 2025.11.27
18:42:39 +0530

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

INDIAN ADOPTION PETITION NO. 84 OF 2025
WITH
JUDGE'S ORDER NO. 121 OF 2025

St.Catherine's Home

...Petitioner

Versus

Derrick Christopher Soans And Shwetha
Joyce Kunder (Pro. Adop.Parents) and
Faith D. Soans (Minor)

...Proposed Adopters

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

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

Mr.Derrick C.Soans, Adoptive father present.

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

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 21st NOVEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the female minor
Ajina @ Faith Derrick Soans ("the said female minor") born on 12th
April 2022.

2. The female minor Ajina, born on 12th April 2022 was

found abandoned by the Malvani Police Station, Mumbai on 16th May 2022 and admitted to the Petitioner institution on the same day for immediate care and protection. On 15th July 2022, through its order, the said CWC recognized that admission under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order of the CWC is on record at page Nos. 22-22A to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016), the Child Welfare Committee, Mumbai Suburban-II declared the said female minor "Legally Free for Adoption" on 30th April 2025. The Free for adoption order is on record at page No. 21 to the Petition.

4. The Prospective Adoptive parents are Indian nationals, residing at Chembur, Mumbai, aged about 42 and 34 years respectively. They have been married for the past 10 years (10/05/2015) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 32 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 09th July 2025 are on record at page Nos. 19-20 to the Petition. They state that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. 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. 170-174 to the Petition.

8. The Medical report of the prospective adoptive parents dated 07th July 2025 is on record and it states that they are physically and mentally fit to adopt a child. Their HIV I & II and Hepatitis B test reports certify the case as Negative. These reports can be found at page Nos. 27-33 to the Petition.

9. The Prospective Adoptive father is working as a Senior Managing Partner with Aditya Birla Sun Life Insurance Company Limited, Mumbai since 11th May 2006 and his monthly (June-2025) gross salary is Rs. 2,90,480/-. His Pay Slips, Form No. 16 and Income Tax Returns are on record at page Nos. 49-69 to the Petition. The Prospective Adoptive mother is a Homemaker.

10. The Proof of Residence, Aadhar and Pan Cards copies and other supportive financial documents are on record at page Nos. 33-42 & 70-107 to the Petition.

11. The Home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 108-125 to the Petition.

12. The Home Study Report Part II: Assessment reports dated 08th November 2021 and 25th January 2025 of the social worker of Specialized Adoption Agency "Worldchildren Welfare Trust India" Chembur, Mumbai has found the prospective adoptive parents suitable for adopting a child. The said report is on record at page Nos. 126-141 to the Petition.

13. The child security undertaking dated 07th July 2025 given by the Prospective Adoptive father's younger brother residing at Chembur, Mumbai to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 151-154 to the Petition.

14. The Medical Examination Report of the said female

minor dated 10th June 2025 is on record at page Nos. 158-166 to the Petition and it states, "Health Status: Normal. Overall Observation of the child: Ajina is a healthy and happy 3-year-old child who has achieved all the milestones expected for her age and is growing well physically and neurologically and has adjusted well to her peers". The prospective adoptive parents have countersigned the said Medical Examination Report.

15. The HIV test report of the said female minor dated 07/03/2025 certifies the case as Negative. This report is on record at page No. 168 to the Petition.

16. The Post Card Size Photograph of the said female minor is at page No. 169 to the Petition.

17. The Declaration of consent, willingness and undertaking 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 said female minor. This Declaration is at page Nos. 43-45 to the Petition.

18. The Pre-adoption foster care undertaking dated 04th July

2025 is on record at page Nos. 46-48 to the Petition.

19. As regards the change of name, the prospective adoptive parents desire that the female minor 'Ajina' be renamed as "Faith Derrick Soans".

20. The undertaking dated 04th July 2025 given by the Specialized Adoption Agency "Worldchildren Welfare Trust India" Chembur, Mumbai for furnishing post adoption follow-up reports is on record at page No. 175 to the Petition.

21. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period 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.

22. 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.

23. 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.

24. 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*

¹ WP(L) No.32065 of 2022

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.”*

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

26. 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 Faith Derrick Soans 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 female minor Faith Derrick Soans born on 12/04/2022 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 ‘Ajina’ to “Faith Derrick Soans”.

27. 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 hand over the investment receipts to the Adopted Child on her becoming a major. These undertakings are accepted as undertakings to this Court.

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

29. 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.