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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. 85 OF 2025
WITH
JUDGE'S ORDER NO. 124 OF 2025

Vatsalya Trust Mumbai

...Petitioner

Versus

*Sagar Babee Kadam and Aarti Sagar
Kadam (Pro. Adop.Parents)*

...Proposed Adopters

Ms.Aarti Kulkarni for the Petitioner.

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

Mr.Sagar Babee Kadam and Ms.Aarti Sagar Kadam (Pro.
Adop.Parents) and Tanvi alias Aarna Sagar Kadam (Minor)

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 Tanvi @ Aarna Sagar Kadam ("the said female minor") born on 29th July 2024.

2. The female minor Tanvi was born on 29th July 2024 and

the biological mother surrendered her child before the Child Welfare Committee, Mumbai Suburban-I on 06th August 2024 and the child's safe custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 06th August 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The admission order of the CWC is on record at page No.21 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee, Mankhurd, Dist. Mumbai declared the said female minor Tanvi "Legally Free for Adoption" on 08th October 2024. 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 Koperkhairane, Navi Mumbai both aged about 47 years having been married for the past 07 years (19/04/2018) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 34 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. 98-103 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 19th March 2025 are on record at page No. 20 to the Petition. They state that the Prospective Adoptive Parents are suitable to adopt said female minor.

8. The Medical Certificate of Fitness dated 05th March 2025 of the prospective adoptive parents is on record at page Nos. 28-33 and it states that they are not suffering from any medical or surgical illness and both are found to be possessing good health. The Prospective adoptive mother is a known case of Diabetic and Hypertension but very well controlled. Their HIV and HBsAg Test reports certify the case as Non-Reactive.

9. The prospective adoptive father is working as a Manager-Direct Taxation with Technova Imaging Systems (P) Limited, Vashi, Navi Mumbai since 01st February 2007 and his monthly (February-2025) gross salary is Rs. 1,05,304.45/-. His Employment Certificate, Income Tax Returns and Pay Slips are on record at page Nos. 44-50. The prospective adoptive mother is

currently a Homemaker.

10. The copies of Pan Card, Proof of Residence and supportive financial documents are on record at page Nos. 35-37 & 51-51A & 52-55.

11. The home study report Part I: Self Assessment Reports by the Prospective Adoptive Parents is on record at page Nos. 56-64.

12. The Home Study Report Part II Assessment Report dated 19th January 2023 by the Specialized Adoption Agency “Worldchildren Welfare Trust India” Bal Anand, Chembur, Mumbai is on record and the report has found the prospective adoptive parents suitable for adopting a child. The said report is on record at page Nos. 65-73.

13. The child security undertaking dated 18th August 2025 of the prospective adoptive father's cousin sister and brother-in-law residing at N.M. Joshi Marg, Mumbai to look after the said female minor in case of any mishap to the prospective adoptive parents is on record at page Nos. 79-83.

14. The Medical Examination Report of the said female

minor Tanvi dated 26th February 2025 is on record and it states “Health status of the child: Normal. Overall observation of the child: Her development is a dynamic process and may show variation with time. At present her overall mental and physical development is within normal limits. She is sickle cell trait which is not going to affect her health in future”. The prospective adoptive parents have countersigned the said report, which is on record at page Nos. 87-93 to the Petition.

15. The HIV report of the said female minor dated 08th August 2024 certifies the case as Negative. This report is at page No.95 to the Petition.

16. The Photograph of the said female minor is on record at page No. 97 to the Petition.

17. The Declaration of consent 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. The said Declaration is at page No. 38-40 to the Petition.

18. As regards the change of name, the prospective adoptive

parents desire that the said female minor 'Tanvi' be renamed as "Aarna Sagar Kadam".

19. The pre-adoption foster care undertaking dated 10th March 2025 is on record at page Nos. 41-43 to the Petition.

20. The Undertaking dated 11th March 2025 given by the Specialized Adoption Agency "Worldchildren Welfare Trust India" Bal Anand, Chembur, Mumbai for furnishing post adoption follow-up reports is also on record at page No. 106 to the Petition.

21. 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.

22. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 7th November, 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 W.P.(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 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 minor Aarna Sagar Kadam, born on 29/07/2024 and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parent be allowed to Change the name of the minor from ‘Tanvi’ to ‘Aarna Sagar Kadam’, born on 29/07/2024.”

27. There is an undertaking of the Adoptive Parents in the

Judge's Order to invest Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) 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.

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.]

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