

Mohite

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

INDIAN ADOPTION PETITION NO. 86 OF 2025
WITH
JUDGE'S ORDER NO. 126 OF 2025

St.Catherine's Home

...Petitioner

Versus

*Shreyas Satish Mokashi And Gayatri
Shreyas Mokashi* (Pro. Adop.Parents) and
Raghav S. Mokashi (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.Shreyas Satish Mokashi and Ms.Gayatri Shreyas Mokashi (Pro.
Adop.Parents) and Raghav S. Mokashi (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 male minor
Apurv @ Raghav Shreyas Mokashi ("the said male minor") born on
18th November 2023.

2. The male minor Apurv, born on 18th November 2023 was found abandoned by the Andheri Railway Police Station, Mumbai on 24th November 2023 and admitted to the Petitioner institution on the same day as per the order of the Child Welfare Committee (CWC), Mumbai Suburban-II dated 24th November 2023 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. 22 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 male 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, presently residing at Kandivali, Mumbai aged about 36 and 33 years respectively. They have been married for the past 8 years (08/05/2017) 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 1st September 2025 is on record at page Nos. **19-20** to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. 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. **168-172** to the Petition.

8. The Medical report of the prospective adoptive parents dated 13th August 2025 is on record and it states that both are physically and mentally fit for adoption. Their HIV I & II and Hepatitis B test reports certify the case as Non Reactive. These reports are on record at page Nos. **26-31** to the Petition.

9. The Prospective Adoptive father is working as an Assistant Manager-Secretary Affairs with Patel Engineering Ltd., Jogeshwari, Mumbai since 16th November 2023 and his monthly (July-2025) gross salary is Rs. 97, 812/-. His salary Slips, Form No. 16 and Income Tax returns are on record at page Nos. 48-61 to the Petition. The Prospective Adoptive mother is currently a Homemaker.

10. The Proof of Residence, Aadhar and Pan Cards copies and other supportive financial documents are on record at page Nos. 33-41 & 62-101 to the Petition.

11. The Childcare Plan declaration of the prospective adoptive mother is on record at page No. 102 to the Petition.

12. The Home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 103-111 & 127-135 to the Petition.

13. The Home Study Report Part II: Assessment reports dated 27th May 2022 of the social worker of Specialized Adoption Agency “SOFOSH-Society of Friends of the Sassoon Hospitals” Pune and updated Report dated 16th June 2025 of the social worker of the Specialized Adoption Agency “St. Catherine’s Home” Andheri, Mumbai have found the prospective adoptive parents suitable for adopting a child. The said reports are on record at page Nos. 112-126 and 136-140 to the Petition.

14. The child security undertaking dated 20th August 2025 given by the Prospective Adoptive father’s elder cousin sister and brother-in-law residing at Kalwa, Thane, Maharashtra to look after

the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 150-152 to the Petition.

15. The Medical Examination Report of the said male minor dated 01st August 2025 is on record at page Nos. 156-164 to the Petition and it states, "Health Status: Normal. Overall Observation of the child: Apurv is a happy and peaceful 20 months old child, who loves interacting with his peers and care givers. He is growing well physically and emotionally and will benefit tremendously once placed in a loving family". The prospective adoptive parents have countersigned the said Medical Examination Report.

16. The HIV test report of the said male minor dated 07th March 2025 certifies the case as Negative. This report is on record at page No. 166 to the Petition.

17. The Post Card Size Photograph of the said male minor is at page No. 167 to the Petition.

18. 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 male minor. This Declaration is at page Nos. 42-44 to the

Petition.

19. The Pre-adoption foster care undertaking dated 13th August 2025 is on record at page Nos. 45-47 to the Petition.

20. As regards the change of name, the prospective adoptive parents desire that the male minor 'Apurv' be renamed as "Raghav Shreyas Mokashi".

21. The undertaking dated 01st September 2025 given by the Specialized Adoption Agency "St. Catherine's Home" Andheri, Mumbai for furnishing post adoption follow-up reports is on record at page No. 173 to the Petition.

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 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.

23. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 11th

November, 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, 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*

¹ WP(L) No.32065 of 2022

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 Raghav Shreyas Mokashi 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 Raghav Shreyas Mokashi born on 18/11/2023 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 'Apurv' to "Raghav Shreyas Mokashi".

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.