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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. 89 OF 2025
WITH
JUDGE'S ORDER NO. 128 OF 2025

St. Catherines Home, Mumbai

...Petitioner

And

*Mr. Julian Savio Fernandes and
Mrs. Sonu Ghadge*

...Proposed Adopters

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

Mr.O.Hareendran, Scrutiny Officer, ICSW present.

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

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 28th NOVEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the female minor
Radha ("the said female minor") born on 7th March 2025.

2. The female minor Radha was born on 7th March 2025
and admitted to the Petitioner institution on 13th March 2025. On
17th March 2025, the birth mother executed a Deed of Surrender

before the Child Welfare Committee (CWC), Mumbai Suburban-II and the said female minor's safe custody was given to the Petitioner institution vide its order dated 17th March 2025 under the provisions of the 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 female minor "Legally Free for Adoption" on 6th June 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 Secunderabad, Telangana aged about 38 and 39 years respectively. They have been married for the past 12 years (30th December 2013) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 39 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 7th August 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 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. 177-181 to the Petition.

8. The Medical report of the prospective adoptive parents dated 24th July 2025 is on record and it states that they are medically fit to adopt a child. Their HIV I & II and Hepatitis B test reports certify the case as Non Reactive. These reports can be found at page Nos. 26-38 to the Petition.

9. The Prospective Adoptive father is working as a Senior Associate-Training and Onboarding with Ozonetel Communications Private Limited, Hyderabad since 6th December 2021 and his monthly (June-2025) gross salary is Rs. 56,533/-. His Pay Slips and Form No. 16 are on record at page Nos. 51-70 to the Petition.

10. The Prospective Adoptive mother is working as an

Assistant Manager-Quality with mPokket Financial Services Private Limited, Hyderabad since 28th December 2023 and monthly (June-2025) gross salary is Rs. 67,814/-. Her Pay Slips and Form No. 16 are on record at page Nos. 71-89 to the Petition.

11. The Proof of Residence, Aadhar and Pan Cards copies and other supportive financial documents are on record at page Nos. 40-46 & 90-119 to the Petition.

12. The Childcare Plan declaration of the prospective adoptive mother and her mother-in-law is on record at page No. 120-121 to the Petition.

13. The Home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos.122-137 to the Petition.

14. The Home Study Report Part II: Assessment reports dated 7th August 2021 and 9th June 2025 of the District Welfare Officer, Women and Child Development & Senior Citizen, Medchal District, Telangana have found the prospective adoptive parents suitable for adopting a child. The said reports are on record at page

Nos. 138-146 to the Petition.

15. The child security undertaking dated 2nd August 2025 given by the Prospective Adoptive mother's sister and brother-in-law residing at Hyderabad, Telangana to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 158-161 to the Petition.

16. The Medical Examination Report of the said female minor dated 17th July 2025 is on record at page Nos. 165-173 to the Petition and it states, "Health Status: Normal. Overall Observation of the child: Radha is growing well physically and is slowly catching up with her motor milestones". The prospective adoptive parents have countersigned the said Medical Examination Report.

17. The HIV test report of the said female minor dated 23rd April 2025 certifies the case as Negative. This report is on record at page No. 175 to the Petition. The Post Card Size Photograph of the said female minor is at page No. 176 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 female minor. This Declaration is at page Nos. 47-48 to the Petition.

19. The Pre-adoption foster care undertaking dated 22nd July 2025 is on record at page Nos. 49-50 to the Petition.

20. As regards the change of name, the prospective adoptive parents desire that the female minor 'Radha' be renamed as "Eliana Regina Fernandes".

21. The undertaking dated 7th August 2025 given by the authorities of District Child Protection Unit (DCPU), Medchal District for furnishing post adoption follow-up reports is on record at page No. 182 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 12th 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 female minor child that she 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,

¹ WP(L) No.32065 of 2022

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."

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 Eliana Regina Fernandes 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 female minor Eliana Regina Fernandes 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 Eliana Regina Fernandes, born on 07/03/2025 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 'Radha' to "Eliana Regina Fernandes".

28. There is an undertaking of the Adoptive Parents in the Judge's Order to invest Rs.1,00,000/- (Rupees One Lakh 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.

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.]

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