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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. 93 OF 2025
WITH
JUDGE'S ORDER NO. 132 OF 2025

Vatsalya Trust Mumbai

...Petitioner

And

*Mr. Veeranadam G. Nishanth and
Mrs. V. Navya*

...Proposed Adopters

Ms.Sangeeta Nagpal 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 male minor Samarth ("the said male minor") born on 9th September 2024.

2. The male minor Samarth, born on 9th September 2024 was surrendered by the biological mother before the Child Welfare Committee (CWC), Mumbai Suburban District on 19th September 2024 and the said minor's custody was given to the Petitioner

institution Vatsalya Trust, Mumbai on the same day as per the order of the said CWC dated 19th September 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order is on record at page No. 92 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Mankhurd, Dist. Mumbai declared the male minor “Legally Free for Adoption” on 19th November 2024. The Free for adoption Certificate is on record at page Nos. 89-90 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals residing at Nellore, Andhra Pradesh, aged about 43 years and 35 years respectively. They have been married for the past 14 years (27th May 2011) with no biological children.

5. The Motivation Letter of the Prospective Adoptive Parents is on record at Page No.71 to the Petition.

6. 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. 99-103 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 21st March 2025 is on record at page No. 86 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

8. The Medical report of the prospective adoptive parents dated 11th March 2025 is on record at page Nos. 28-33 to the Petition and it states that both are free from deafness, defective vision (including colour vision) or any other infirmity, mental or physical, likely to interfere with the efficiency of their work and found them possessing good health. Their HIV & HBsAg test reports certify the case as Non Reactive.

9. The Prospective Adoptive father is working as an Associate Manager-Environment, Health & Safety with Adani Krishnapatnam Port Limited, Nellore, Andhra Pradesh since 18th January 2021 and his monthly (January-2025) gross salary is Rs. 77,738/-. His Employment Certificate, Pay Slip and Income Tax Returns are on record at page Nos. 36-44 to the Petition. The prospective adoptive mother is a Homemaker.

10. The copies of PAN card, Proof of Residence and supportive financial documents are on record at page Nos. 23, 25, 27 and 45-47 to the Petition.

11. The Home study report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos. 48-57 & 63-69 to the Petition.

12. The Home Study Report Part II: Assessment report dated 21st February 2025 of District Women & Child Welfare & Empowerment Officer, SPS Nellore District, Andhra Pradesh has found the prospective adoptive parents suitable for adopting a child. The said Home study report is on record at page Nos. 58-62 to the Petition.

13. The child security undertaking dated 21st June 2024 given by the prospective adoptive mother's brother and sister-in-law residing at Nellore, Andhra Pradesh to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 72-73 to the Petition.

14. 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 said male minor. The said declaration is on record at page No.95.

15. The Medical Examination of the said male minor dated 28th February 2025 is on record at page No. 78-85 to the Petition and it states the Health status of the child is Normal and the overall observation of the child states that his overall mental and physical development is within normal limits. The prospective adoptive parents have countersigned the said report.

16. The HIV report of the said male minor dated 27th January 2025 certifies the case as Negative. This report is on record at page No. 85. The Post Card Size Photograph of the said male minor is on record at page No.96.

17. As regards the change of name, the prospective adoptive parents desire that the said male minor 'Samarth' be renamed as "VN. Samarth".

18. The Pre-adoption foster care undertaking dated 7th

March 2025 is on record at page Nos.93-94.

19. The undertaking dated 21st February 2025 given by the authorities of Specialized Adoption Agency “Women Development & Child Welfare Department”, Nellore District, Andhra Pradesh for furnishing post adoption follow-up reports is on record at page No.98.

20. 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.

21. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 17th November, 2025 which is taken on record and marked ‘X’ for identification.

22. 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.

23. 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 Courts to continue with the adjudication of the adoption matters that are pending on their record and file.*

¹ W.P.(L) No.32065 of 2022

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.”*

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

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

“(a) For adoption of the proposed minor Baba Samarth @ V. N. Samarth, born on 9th September 2024 by Proposed Adoptive Parents under Juvenile Justice Act

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor Baba Samarth @ V. N. Samarth.

(c) That the Proposed Adopters be granted permission to change the name of minor Samarth to V. N. Samarth.

(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor V. N. Samarth born on 9th September 2024 and stating thereon that the prospective adoptive parent as the Parent of the said minor.

(e) That the prospective Adoptive Parent 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.”

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

Judge's Order to invest Rs.2,00,000/- (Rupees Two Lakhs 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 his becoming a major. These undertakings are accepted as undertakings to this Court.

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

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

[FIRDOSH P. POONIWALLA, J.]

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