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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. 95 OF 2025
WITH
JUDGE'S ORDER NO. 134 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Mr.Grahan P. Thomas And Mrs.Mini T. V.
w/o Grahan P. Thomas

...Proposed Adopters

Ms.Aarti Kulkarni for the Petitioner.

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

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

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 5th DECEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the Proposed Adoptive Parents have sought adoption of the female minor Radha @ Livea Mary Grahan ("the said female minor") born on 2nd November 2024.

2. The female minor Radha was born on 2nd November 2024 and the biological mother surrendered the said minor before the Child Welfare Committee (CWC), Mumbai Suburban-I on 7th

November 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 7th November 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.22 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 "Legally Free for Adoption" on 7th January 2025. 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 Wayanand, Kerala aged about 45 and 43 years respectively. They have been married for the past 6 years (11th May 2019) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 37 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. 119-124 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 7th May 2025 is on record at page No. 20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt said female minor.

8. The Medical report dated 2nd May 2025 of the prospective adoptive parents is on record at page Nos. 29-36 to the Petition and it states that they are medically fit. Their HIV and HBsAg Test reports certify the case as Non Reactive.

9. The prospective adoptive father is working as an Office Attendant Grade II with Matsya Bhavan, Karappuzha, Kerala since 28th July 2011 and his gross salary for the Assessment Year 2024-25 is Rs. 5,14,563/-. His Employment certificate and Form No. 16 are on record at page Nos. 46-55 to the Petition.

10. The prospective adoptive mother is working as a Teacher at Marygiri High School, Maramchatty, Koombara since 16th June 2011 and her gross salary for the Assessment Year 2024-25 is Rs. 7, 23,009/-. Her Employment Certificate, Form No. 16 and copy of Pay Bill Register are on record at page Nos. 56-68 to the Petition.

11. The copies of Pan Card, Proof of Residence and Supportive Financial Documents are on record at page Nos. 38-40 & 68A to the Petition.

12. The childcare plan undertaking of the mother of Prospective Adoptive Father is on record at page No. 118A to the Petition.

13. The home study report Part I: Self-Assessment Reports by the Prospective Adoptive Parents is on record at page Nos. 69-76 & 81-89 to the Petition.

14. The Home Study Report Part II Assessment Reports dated 10th August 2021 and 24th August 2024 of the Specialized Adoption Agency” Holy Infant Mary’s Foundling Home”, Vythiri, Wayanad, Kerala have found the prospective adoptive parents suitable for adopting a child. The said reports are on record at page Nos. 77-80 & 90-94 to the Petition.

15. The child security undertaking dated 5th May 2025 given by the prospective father’s sister and brother-in-law residing at Erumad, Tamil Nadu to look after the said female minor in case of any mishap to the prospective adoptive parents is on record at page

Nos. 101-103 to the Petition.

16. The Medical Examination Report of the said female minor Radha dated 21st April 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”. The prospective adoptive parents have countersigned the said report, which is on record at page Nos. 107-113 to the Petition.

17. The HIV report of the said female minor dated 7th April 2025 certifies the case as Negative. This report is on record at page No.115 to the Petition.

18. The Photograph of the said female minor is on record at page No. 118 to the Petition.

19. 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 Radha. The said Declaration is on record at page Nos. 41 to the Petition.

20. The pre-adoption foster care undertaking dated 5th May 2025 is on record at page Nos. 42-45 to the Petition.

21. As regards the change of name, the prospective adoptive parents desire that the said female minor 'Radha' be renamed as "Livea Mary Grahan".

22. The Undertaking dated 27th May 2025 given by the Specialized Adoption Agency "Holy Infant Mary's Foundling Home", Vythiri, Wayanad, Kerala for furnishing post adoption follow-up reports is on record at page No.127 to the Petition.

23. 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.

24. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 26th November 2025 which is taken on record and marked 'X' for

identification.

25. 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.

26. 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

¹ WP(L) No.32065 of 2022

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."

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

28. 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 Livea Mary Graham, born on 02/11/2024 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 Radha to “Livea Mary Graham”,
born on 02/11/2024.”*

29. There is an undertaking of the Adoptive Parents in the Judge’s Order to invest Rs.2,50,000/- (Rupees Two Lakhs 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.

30. The Judge’s Order is also accepted and signed separately.

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

[FIRDOSH P. POONIWALLA, J.]

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