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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. 97 OF 2025
WITH
JUDGE'S ORDER NO. 139 OF 2025

Sharaddhanand Mahilashram

...Petitioner

And

Mr. Zaffar Shaikh and
Mrs. Varsha Pokle

...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.

Mr. Zaffar Shaikh – Adoptive Father, Mrs. Varsha Pokle – Adoptive
Mother a/w Minor Kabir present

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 12th DECEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the male minor
Kedar @ Kabir Zaffar Shaikh (“the said male minor”) born on 27th
November 2024.

2. The male minor Kedar, born on 27th November 2024 was

admitted to the Petitioner Institution on the same day for primary care and protection. On 28th November 2024, the birth mother executed a Deed of Surrender before the Child Welfare Committee (CWC), Mumbai City-II and the said male minor's safe custody was given to the Petitioner Institution vide their order dated 28th November 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act 2015 for his future rehabilitation. The Safe Custody order of the CWC is on record at page No. 23 to the Petition.

3. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the Child Welfare Committee, Mumbai City II declared the said male minor "Legally Free for Adoption" on 31st January 2025. The Free for adoption Certificate is on record at page No.22 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Thane, Maharashtra, aged about 47 and 42 years respectively. They have been married for the past 13 years (24th April 2012) with no biological children.

5. Motivation letter from the Prospective Adoptive Parents

is on record at page No. 32 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. 133-137 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 17th September 2025 is on record at page Nos. 20-21 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

8. The Medical Fitness Certificates dated 26th August 2025 of the prospective adoptive parents is on record and it states that they are physically and mentally fit. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos. 28-31 to the Petition.

9. The Prospective Adoptive Father is working as a Managing Business Analyst with Capgemini Deutschland GmbH, Berlin, Germany and his monthly net salary is Euro 4,631.82 (=Rs. 7,17,970/-). His Employment Certificate, Payrolls and Indian Income Tax Returns are on record at Page No. 43-55 to the Petition. The Prospective Adoptive Mother is a Homemaker.

10. The Statement of Child Care Plan of the Prospective Adoptive Parents is on record at page No. 70 to the Petition.

11. Proof of Residence, Pan Card copies and Supportive Financial Documents are on record at page Nos. 33-37 & 56-69 to the Petition.

12. The home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 71-91 to the Petition.

13. The home study report part II: Assessment reports dated 15th July 2022, 24th April 2025 and 10th September 2025 of the Social Worker of Specialized Adoption Agency “Janani Ashish Charitable Trust”, Dombivli, Dist. Thane have found the prospective adoptive parents suitable for adopting a child. These reports are on record at page Nos. 92-106 to the Petition.

14. The child security undertaking dated 26th August 2025 of the Prospective Adoptive father’s cousin brother and sister-in-law residing at Andheri, Mumbai to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 116-119 to the Petition.

15. Medical Examination Report dated 20th May 2025 of the said male minor is on record at page Nos. 122-129 to the Petition and it states, Health status of the child: Normal. Overall Observation of the child: Child is a developmentally normal child.” The Prospective Adoptive Parents have countersigned the said report.

16. The HIV report of the said male minor dated 10th September 2025 certifies the case as Non-Reactive. The said report is on record at page No. 131 to the Petition. The Post Card Size Photograph of the male minor is on record at page No. 132 to the Petition.

17. The Declaration of consent and undertaking of the prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of male minor. This declaration is at page No. 38-39 to the Petition.

18. The Pre-adoption foster care Affidavit dated 19th September 2025 is on record at page Nos.40-42 to the Petition.

19. As regards the change of name, the prospective adoptive parents desire that the said male minor ‘Kedar’ be renamed as “Kabir Zaffar Shaikh”.

20. The Undertaking dated 26th August 2025 given by the Specialized Adoption Agency “Janani Ashish Charitable Trust”, Dombivli, Dist. Thane for furnishing post adoption follow-up reports is on record at page No. 138 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 3rd December 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 male minor child that he 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 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.”

¹ W.P.(L) No.32065 of 2022

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 “Kabir Zaffar Shaikh” 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 “Kabir Zaffar Shaikh” born on 27/11/2024 and stating thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from ‘Kedar’ to “Kabir Zaffar Shaikh”.”

27. There is an undertaking of the Adoptive Parents in the Judge’s Order to invest Rs.4,00,000/- (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.

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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