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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. 99 OF 2025
WITH
JUDGE'S ORDER NO. 141 OF 2025

St. Catherine's Home, Mumbai

...Petitioner

And

Mr. Sujit Vijay Joshi and
Mrs. Kranti Sujit Joshi

...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.Sujit Vijay Joshi – Adoptive Father, Mrs.Kranti Sujit Joshi –
Adoptive Mother a/w Minor Ahaan 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
Abhijeet @ Ahaan Sujit Joshi (“the said male minor”) born on 9th
October 2022.

2. The male minor Abhijeet, born on 9th October 2022 was

found abandoned by the MHB Colony Police Station, Mumbai on 9th October 2023 and admitted to the Petitioner institution on the same day for primary care and protection. On 11th October 2023 the said minor was produced before the Child Welfare Committee (CWC), Mumbai Suburban-II and his safe custody was given to the Petitioner Institution as per the order of the said CWC dated 11th October 2023 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 male minor “Legally Free for Adoption” on 11th 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, residing at Pune, Maharashtra aged about 38 and 37 years respectively. They have been married for the past 13 years (27th February 2012) with one biological son now aged about 11½ years, who is suffering from Duchenne Muscular Dystrophy. His birth

certificate, medical certificate and consent letter is on record at page Nos. 26-34 to the Petition.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 43 to the Petition.

6. The Minutes of Adoption Committee Meeting held on 7th July 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. 203-207 to the Petition.

8. The Medical Report of the prospective adoptive father dated 22nd July 2025 is on record and it states, "His HIV-1 has been dictated Positive. However, his CD4 counts are good and have started treatment. He is unlikely to develop any symptoms soon and will generally have a normal life span and life expectancy of 60-70 years. He is fit to adopt also his wife is not infected. His Hepatitis B test reports certify the case as Non-Reactive. These reports can be found at page Nos. 35-39 to the Petition. His latest Medical Fitness

Certificate dated 3rd November 2025 is on record at page Nos. 39A-39B to the Petition and it states that he is on regular antiretroviral treatment (ART) since July 2025 and is responding very well. The said report further certified that irrespective of his HIV status, he and his family can take care of the child with full responsibility, care and love.

9. The Medical Report of the prospective adoptive mother dated 22nd July 2025 is on record and it states that she is not suffering from any health problem currently and is fit. Her HIV I & II and Hepatitis B test reports certify the case as Non-Reactive. These reports are on record at page Nos. 40-43 to the Petition.

10. The Prospective Adoptive father is working as a Team Head Mechanical with Thermax Limited, Pune since 20th September 2023 and his monthly (June-2025) gross salary is Rs. 1,18,017/-. His Pay Slips, Form No. 16 and Income Tax Returns are on record at page Nos. 55-73 to the Petition.

11. The Prospective Adoptive mother is working as an Assistant Manager-Operations with WNS Global Services Private Limited, Pune since 6th July 2021 and her monthly (June-2025) gross salary is Rs. 1,04,089/-. Her Pay Slips, Form No. 16 and

Income Tax Returns are on record at page Nos. 74-97 to the Petition.

12. The Proof of Residence, Aadhar and Pan Cards copies and other supportive financial documents are on record at page Nos. 44-48 & 98-126 to the Petition.

13. The Childcare Plan declaration of the prospective adoptive mother and her mother-in-law is on record at page No. 127-130 to the Petition.

14. The Home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos.131-148 to the Petition.

15. The Home Study Report Part II: Assessment reports dated 27th January 2021 and 20th April 2024 of the Specialized Adoption Agency “SOFOSH-Society of Friends of the Sassoon Hospital”, Pune have found the prospective adoptive parents suitable for adopting a child. The said reports are on record at page Nos. 149-168 to the Petition.

16. The child security undertaking dated 19th July 2025 given by the Prospective Adoptive mother’s brother and sister-in-law

residing at Pune, Maharashtra to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 182-187 to the Petition.

17. The Medical Examination Report of the said male minor dated 17th July 2025 is on record at page Nos. 191-199 to the Petition and it states, "Health Status: Normal. Overall Observation of the child: Abhijeet is a Healthy and happy little boy. He has achieved all the milestones expected for his age". The prospective adoptive parents have countersigned the said Medical Examination Report.

18. The HIV test report of the said male minor dated 8th January 2025 certifies the case as Negative. This report is on record at page No. 201 to the Petition. The Post Card Size Photograph of the said male minor is at page No. 202 to the Petition.

19. 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. 49-50 to the Petition.

20. The Pre-adoption foster care undertaking dated 19th July

2025 is on record at page Nos. 51-54 to the Petition.

21. As regards the change of name, the prospective adoptive parents desire that the male minor 'Abhijeet' be renamed as "Ahaan Sujit Joshi".

22. The undertaking dated 19th July 2025 given by the Specialized Adoption Agency "SOFOSH-Society of Friends of the Sassoon Hospital", Pune for furnishing post adoption follow-up reports is on record at page No. 208 to the Petition.

23. 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.

24. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 24th 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 male minor child that he 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 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*

¹ WP(L) No.32065 of 2022

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 Ahaan Sujit Joshi 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 male minor Ahaan Sujit Joshi 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 Ahaan Sujit Joshi, born on 09/10/2022 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 ‘Abhijeet’ to “Ahaan Sujit Joshi”.”

29. 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.

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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