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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
AND  
IN ITS GENERAL AND INHERENT JURISDICTION  
INDIAN GUARDIANSHIP PETITION NO. 1 OF 2025  
(INDIAN ADOPTION PETITION NO. 96 OF 2025)  
WITH  
JUDGE'S ORDER NO. 136 OF 2025

Mr.Charlin Paulraj Nadar and Mrs.Alice ...Petitioner  
Charlin Nadar

And

Mr.Anil Somnath Tiwari and Mrs.Pooja Anil ...Proposed Adopters  
Tiwari

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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.Charlin Paulraj Nadar And Mrs.Alice Charlin Nadar – Adoptive  
Parents, Present in Chamber

Mrs.Pooja Anil Tiwari – Biological Mother, Present in Chamber.

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CORAM : FIRDOSH P. POONIWALLA, J.  
DATE : 5<sup>th</sup> DECEMBER, 2025.

ORDER :

1. The Department is directed to convert this Indian  
Adoption Petition into an Indian Guardianship Petition.

2. By this Indian Guardianship Petition, the Petitioners have

sought for their appointment as guardian of the male minor Ganesh Anil Tiwari (“the said male minor”) born on 16<sup>th</sup> June 2025.

3. The male minor Ganesh Anil Tiwari is the biological son of the Respondents, namely, Mr. Anil Somnath Tiwari and Mrs. Pooja Anil Tiwari. The said male minor was born on 16<sup>th</sup> June 2025 at Varanasi, Uttar Pradesh. The said male minor is the third child of the said Mr. & Mrs. Tiwari, the Respondents herein. Their older children are a daughter aged about 5 years and a son aged 3 years respectively. Since the Respondents (biological parents) are stated to be living in poverty and find it very difficult to make ends meet and it is getting increasingly difficult to raise their three children, they relinquished the said male minor child to the Petitioners.

4. The Respondents and the Petitioners are known to each other and aware that the Petitioners are childless. The Respondent handed over the said male minor to the said Petitioners on 25<sup>th</sup> September, 2025. The Petitioners have now decided to take the said male minor in legal guardianship with the consent of the Respondents and have accordingly filed Guardianship Petition in this Court.

5. The Consent Affidavit of the Respondents (biological parents) is on record at page Nos. 160-164 to the Petition.
6. The Foster Care Agreement dated 25<sup>th</sup> September, 2025 is on record at page Nos. 165-170 to the Petition.
7. The Birth Certificate dated 5<sup>th</sup> September, 2025 of the said male minor issued by the Community Health Centre Viraaokot, Department of Medical and Health, Government of Uttar Pradesh is on record at Page No. 171 to the Petition.
8. The Petitioners are Indian Nationals presently residing at Chembur, Mumbai, aged about 38 and 27 years respectively. They have been married for the past 4½ years (19<sup>th</sup> February 2021) and have no biological children due to medical reasons. The Infertility Certificate is on record at page No. 49 to the Petition.
9. The Petitioner No. 1 was married twice previously. His first marriage was solemnized on 18<sup>th</sup> November 2015 and divorced on 3<sup>rd</sup> December 2018 and his second marriage was solemnized on 21<sup>st</sup> May 2019 and divorced on 27<sup>th</sup> January 2021 respectively. Both marriages he has no issues. The Divorce Decrees are on record at age

Nos. 25-44 to the Petition.

10. The Medical Fitness certificates of the Petitioners dated 2<sup>nd</sup> September 2025 is on record and it states that both are medically fit to adopt the child. Their HIV and HBsAg test reports certify the case as Non-Reactive. These reports are at page Nos. 45-48 to the Petition.

11. The first Petitioner is working as a Customer Service Executive with Tamilnad Mercantile Bank Ltd., Sewari Mumbai since 30<sup>th</sup> May 2011 and his monthly (August-2025) gross salary is Rs. 86,438/-. His Salary Slips, Form No. 16 and Income Tax Returns are on record at page Nos. **57-104** to the Petition. The Petitioner No. 2 is a Homemaker.

12. The Petitioners Proof of Permanent and Present Residence, Copies of PAN Card & Aadhar Card and Supportive Financial Documents are on record at page Nos. **50-56 & 105-140** to the Petition.

13. The home study report dated 28<sup>th</sup> September, 2025 by the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm, Vasai, Dist.

Palghar is on record and the report has found the Petitioners suitable for taking the said male minor in guardianship. This report is at page Nos. **141-146** to the Petition.

14. The Recommendation letters from the close friends in support of this guardianship is on record at page Nos. **147-154** to the Petition.

15. The Child Security undertaking dated 2<sup>nd</sup> October 2025 given by the first Petitioner's younger brother and Sister-in-law, residing at Dharavi, Mumbai to look after the said male minor in case of any mishap to the Petitioners is on record at page Nos. 155-159 to the Petition.

16. The Medical Certificate dated 27<sup>th</sup> September 2025 of the said male minor is on record at page No. 172 to the Petition and it states, "He has been found to be physically/developmentally fit for adoption. He has been vaccinated properly for his age". The Post Card Size Photograph of the minor is on record at page No. 173 to the Petition.

17. The consent and undertaking of the Petitioners is on

record at page No. 174 to the Petition, which inter alia states that they have consented to the legal guardianship and they agree and undertake to do all such acts, deeds and things as may be necessary in the interest of the mental and physical welfare of the said child.

18. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 29<sup>th</sup> November 2025 which is taken on record and marked 'X' for identification.

19. Having considered the material on record as well as the Report of the Scrutiny Officer dated 29<sup>th</sup> November 2025 marked 'X', the relief sought for in the Petition requires to be granted.

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

*“(a) That this Hon’ble Court may be pleased to appoint the Petitioners as legal guardians of person of the said male minor Ganesh Anil Tiwari, born on 16<sup>th</sup> June, 2025.*

*(b) That the Notice under Section 11 of the Guardians and Wards Act, 1890 is dispensed with.*

*(c) That the Petitioners may be granted leave to remove the said minor outside the jurisdiction of this Hon’ble Court and to take the said minor whenever required.”*

21. In the Judge's Order there is an undertaking of the Petitioners to adopt the said minor within two years of their guardianship as per the judgment dated 27th October, 1999 of the then Hon'ble Justice Shri F. I. Rebello (2000 All Mr 39). Further, the Petitioners have undertaken to invest an amount of Rs.2,00,000/- (Rupees Two Lakhs Only) in the name of the said minor in any Nationalized Bank. These undertakings are accepted as undertakings to this Court.

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

23. The Indian Guardianship Petition is accordingly disposed of. There shall be no order as to costs.

**[FIRDOSH P. POONIWALLA, J.]**

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