Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO. 6 OF 2025

WITH

JUDGE'S ORDER NO. 32 OF 2025

IN

FOREIGN ADOPTION PETITION NO. 6 OF 2025

Maharashtra State Women's Council
Adoption Group, Mumbai **...Petitioner**

And

Mr. Elia Ferroni and **...Prospective**
Mrs. Chiara Frontini **Adoptive Parents**

Ms. Dipal Sanjanwala Mehta, Advocate for the Petitioner.

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

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

CORAM : R.I. CHAGLA, J.

DATE : 23rd JULY 2025

ORDER :

1. By this Foreign Adoption Petition the Petitioner and the Prospective Adoptive Parents have sought adoption of male minor Amol

("**the said male minor**") born on 05/09/2023. The said male minor was admitted to the Petitioner institution on 18/09/2023 for primary care and protection. On 20/09/2023 the biological mother executed a Deed of Surrender before the Child Welfare Committee (CWC), Mumbai City-II for his future rehabilitation and the child's custody was given to the Petitioner institution on the same day as per the order of the CWC dated 20/09/2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act 2015, ('the said Act'). The Safe Custody order of the CWC is on record at page No.172 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC Mumbai, City-II declared the said male minor "Legally Free for Adoption" as on 26/12/2023. The Free for Adoption Certificate is on record at page Nos.173-175 to the Petition.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 12/12/2024 to this adoption as per Adoption Regulations 2022 and Article 17 (c) of the Hague Convention on the Protection of the Children and Cooperation in respect of Inter-country Adoption 1993. The said No-objection Certificate is on record at page No.177 to the Petition.

4. The Affidavit by the Authorized Representative of the Specialized Adoption Agency (Petitioner) in support of adoption of the said male minor is on record at page Nos.165-171 to the Petition.

5. The Prospective Adoptive Parents are Italian Nationals, residing at Castelfranco Emilia, Italy aged about 43 and 44 years respectively. They have been married for the past 16 years (13/06/2009) and have no biological children. However, they have one adopted son aged about $8^{1/2}$ years (D.O.B : 23/11/2006) from Colombia, who arrived in Italy on 08/04/2018. His Medical Report, School Certificate, Adoption Decree dated 17/05/2018 of the Juvenile Court of Bologna, Italy and his consent letter are on record at page Nos.124-159 to the Petition.

6. The Prospective Adoptive Parents' Passport copies and Joint family photograph are on record at page Nos.45-56 & 163-164 to the Petition.

7. The Motivation Letter of the Prospective Adoptive Parents is on record at page Nos.24-26 to the Petition.

8. The Medical Reports dated 06/11/2024 of the Prospective Adoptive Parents states that the health of the Prospective Adoptive Parents do not disqualify them in parenting a child in anyway. Their HIV and HbsAg test reports certify the case as Negative. These reports are on record at page Nos.83-123 to the Petition.

9. The Prospective Adoptive father is employed with C.A.A. srl, Confederation of Italian Farmers Emilia-Romagna since 01/03/2016 and his gross income for the year 2023 was Euro 28,098.82/-. The Income & Employment Certificate and Income Declaration for the Tax Years 2021 to 2023 from Italian Revenue Agency is on record at page Nos.235-240 & 247-252 to the Petition.

10. The Certificate of Residence, Citizenship and Family status of the Prospective Adoptive Parents are on record at page Nos.57-62 to the Petition. The Financial/Assets Declaration of the Prospective Adoptive Parents has been tendered to this Court on 3rd April, 2025 by a Praecipe bearing that date. This has been referred to in Paragraph No.2 of the said Order dated 3rd April, 2025.

11. The childcare arrangement plan undertaking by the Prospective Adoptive Parents is on record at page Nos.271-273 to the Petition.

12. The Home Study Report dated 17/04/2024 by the authorities of "Famiglia Insieme" Italy has found the Prospective Adoptive Parents suitable for adopting a child. The said Report is on record at page Nos.209-218 to the Petition.

13. The Psychological Assessment Report dated 17/04/2024 of Anna Maria Giacco, Psychologist is on record at page Nos.219-223 to the Petition. The said Report has found the Prospective Adoptive Parents suitable for adopting a child.

14. The Permission of the Receiving Country as per Article 5/17 of the Hague Convention is on record at page Nos.231-234 to the Petition.

15. The Child Security Undertaking dated 19/12/2024 of the Prospective Adoptive Parents Friends' residing at San Cesario Sul Panaro, Italy to take care of the said male minor in case of any unforeseen mishap to the Proposed Adopters is on record at page

Nos.274-276 to the Petition.

16. The Medical Examination Report of the said male minor dated 23/01/2024 states; “Health Status: Special Needs. Overall observation of the child : A normal, healthy child except for a small 3 mm Patent Formen Ovale which is expected to close”. The Prospective Adoptive Parents have countersigned this Report which is on record at page Nos.184-191 to the Petition.

17. The Medical Examination Report dated 26/02/2024 at Part E viz. Special Needs condition of child by the Department of Pediatrics Sir. J. J. Group of Hospitals, Mumbai is on record at page Nos.192-198 to the Petition and the Report confirms the status of the said male minor as Special Needs. The Prospective Adoptive Parents have countersigned the said Report.

18. This Court directed production of further Reports / Documents. Accordingly, Ms. Dipal Mehta, learned Counsel appearing for the Petitioner has tendered Reports / Documents which are : (1) A Note dated 16/04/2025 of Sir J.J. Group of Hospitals Mumbai, which states “considering that Amol has Bilateral Vesicoureteral Reflux, he needs continuous antibiotic prophylaxis and care under Pediatric

neurologist. Hence, he is Special Needs"; (2) The Proposed Adopters Undertaking dated 09/05/2025 stating that they are aware that the said male minor is a known case of congenital heart disease and vesicoureteral reflux and knowing these conditions, they are ready to accept him as their own child; (3) A Letter dated 18/04/2025 of the Authorized Foreign Adoption Agency (AFAA) "Famiglia Insieme" Italy, stating that in Italy there is the National Heath System for which the child will have a general Pediatrician or Civil Surgeon suitable for following children from 0 to 14 years old, who will schedule all the necessary diagnostic investigations together with the parents. Also, the Italian System guarantees exemption from both medical examinations and drug therapies. In this way, the family will have access to all treatment free of charge. They further assure that once the Adoption procedure is completed, they will follow up with the Adoptive family for a period of five years to provide psychological support to the said male minor, his family and his Adoptive brother, as they are a team of professional's they can promptly respond to the request for help in all areas and (4) A Letter dated 18/04/2025 of Civil Hospital of Baggiovara (Modena) Italy stating that the Prospective Adoptive Parents have fully understood the medical situation of the child, as well as the commitments that his health path will require. As far as Local Health

Facilities are concerned, their area has several centers specialized in the care of minors, specially; polyclinic hospital in Modena with the departments of pediatrics and pediatric surgery to address the entire wide spectrum of visceral and urological surgical pathology of the neonatal and pediatric age.

19. The said Reports / Documents tendered by Ms. Dipal Mehta are taken on record and marked '**X**' for identification.

20. The H.I.V. report of the said male minor dated 28/09/2023 certifies the case as Non-Reactive. This report is on record at page No.207 to the Petition. The post card size photograph of the said male minor is on record at page No.208 to the Petition.

21. As regards the change of name, the Proposed Adopters desire that the said male minor 'Amol' be renamed as "Amol Ferroni".

22. The Declaration of consent and undertaking of the Proposed Adopters is on record and states that they are willing to adopt the said male minor on 05/09/2023. They further undertake that they will allow personal visits by the representatives of the Authorized Foreign Adoption Agency for follow up of the progress of the child as required

under the Adoption Regulations. The said Declaration is on record at page Nos.291-299 to the Petition.

23. The Undertaking dated 22/09/2024 of the Authorized Foreign Adoption Agency (AFAA) "Famiglia Insieme" Italy to provide follow-up reports of the child and make alternative arrangement in case of disruption of the adoptive family is on record at page Nos.300-302 to the Petition.

24. The copy of Power of Attorney dated 19/12/2024 duly executed by the Prospective Adoptive Parents in favour of the Petitioner institution is on record at page Nos.303-307 to the Petition.

25. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 30/09/2025.

26. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 18/07/2025 which is taken on record and marked **'Y'** for identification.

27. Having considered the material on record as well as the

Report of the Scrutiny Officer marked **'Y'**, in my view, it would be in the interest of the said male minor that he is adopted by the Prospective Proposed Adopters.

28. It is relevant to note here that in the case of ***Nisha Pradeep Pandya alias 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, the Division Bench of this Court on 10th January, 2023 passed an interim order. The relevant portion of said order of 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*

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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."

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

30. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (f) of the Petition, which read thus:-

"(a) This Hon'ble Court may be pleased to appoint the proposed adoptive parents as the parents of the male minor, Amol now in the care of the Maharashtra State Women's Council Adoption Group, Asha Sadan

Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai – 400 009,

(b) That the proposed adoptive parents be allowed to change the name of the minor, from 'Amol' to 'Amol Ferroni',

(c) That the proposed adoptive parents may be granted leave to remove the aforesaid child, Amol @Amol Ferroni from the jurisdiction of this Hon'ble Court and to take the minor out of India along with them, to their home i.e. wherever they may require him to,

(d) That the Petitioner be granted leave to apply to the concerned Municipal Authorities to issue a Birth Certificate of male minor 'Amol Ferroni' showing the names of the proposed adoptive parents as his parents,

(e) That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor 'Amol Ferroni' within five working days from the date of application of the Petitioner, as per the provisions of sub-regulation 15 of the Adoption Regulations 18 and regulation 36,

(f) The concerned Regional Passport Office may be directed to issue Passport for the said 'Amol Ferroni' within ten days from the date of application, as per sub-regulation (4) of regulation 18 and regulation 38",

31. It is directed that the Petitioner institution shall obtain a further undertaking from the Adoptive Parents that they shall not give the Adopted child for further adoption without the prior leave of this Court. Once this undertaking is obtained, the same shall be filed on the record of this Court.

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

33. The Foreign Adoption Petition is accordingly disposed of.

34. There shall be no order as to costs.

[R.I. CHAGLA, J.]

Privacy warning : No part of this order shall be uploaded on any public domain or portal without this Court's express permission.