

Ashish

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

FOREIGN ADOPTION PETITION NO.5 OF 2025

WITH

JUDGE'S ORDER NO. 34 OF 2025

IN

FOREIGN ADOPTION PETITION NO.5 OF 2025

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

And

**1) Michele Spinnato ...Prospective
2) Alessandra Tarquini Adoptive
Parents**

Ms. Dipal Sanjanwale Mehta, Advocate for the Petitioner.

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

Mr. Dilip S. Gurav, Chamber Registrar present.

CORAM : R.I. CHAGLA, J.

DATE : 16th JULY, 2025.

ORDER :

1. By this Foreign Adoption Petition, the Petitioner and the Prospective Adoptive Parents, have sought adoption of male minor Shriparn (“**the said male minor**”) born on 25th November, 2023.

2. The said male minor was admitted to the Asha Sadan Children’s Home, Mumbai on 04/12/2023 as per the order of the Child Welfare Committee (CWC), Mumbai City-I for primary care and protection. On 07/12/2023 the biological mother executed a Deed of Surrender before the CWC and the said male minor was transferred to the Petitioner institution on the same day as per the order of the CWC dated 07/12/2023 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (“**The said Act**”) for his future rehabilitation. The Safe Custody order and Transfer order of the CWC is on

record at page Nos. 152-153 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2021, the CWC, Mumbai City II, declared the said male minor “Legally Free for Adoption” on 13/02/2024. The Free for Adoption Certificate is on record at page Nos. 154-156 to the Petition.

4. The Central Adoption Resource Authority (CARA), New Delhi has issued its No Objection Certificate (dated 09/12/2024) to this adoption as per Adoption Regulations 2022 and Article 17 (c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption 1993. The said No Objection Certificate is on record at Page No.158 to the Petition.

5. 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. 145-151 to the Petition.

6. The Prospective Adoptive Parents are Italian Nationals, residing at Schio, Italy aged about 41 and 43 years respectively. They have been married for the past 4 years (28/08/2021) and have no biological children.

7. The Prospective Adoptive Parents Passport copies and Joint photograph are on record at page Nos.57-68 & 144 to the Petition.

8. The Motivation Letter of the Prospective Adoptive Parents is on record at page Nos. 23-24 to the Petition.

9. The Medical Reports dated 23/09/2024 of the Prospective Adoptive Parents state that the health of the Prospective Adoptive Parents do not disqualify them from parenting a child. Their HIV and HbsAG test reports certify the case as Negative. These reports are on record at Page Nos.99-135 to the Petition.

10. The Prospective Adoptive Father is working as a Graphic Designer with IL Segno Di Bille Silvano E C. S.N.C.

since 07/06/2022 and his income for the year 2023 was Euro 19,455.00. He also works as a Graphic Designer (Freelancer) since 01/08/2023 and earned a gross income of Euro 2,538.00 for the year 2023. The Chartered Accountants Certificate, Employment/Income Certificate, salary slips and Income Declaration for the years 2020 to 2023 from Italian Revenue Agency are on record at page Nos.266-271, 278-289, 324-337 & 345-350 to the Petition.

11. The Prospective Adoptive Mother is working as a Psychologist and Psychotherapist at Metis Studio in Schio and Studio Kleos at Valdagno, Italy and her gross income for the year 2023 was Euro 41,178.00. The Chartered Accountants Certificate and Income Declaration for the years 2020 to 2024 from Italian Revenue Agency are on record page Nos. 272-277, 290-295, 338-344 & 351-356 to the Petition.

12. The Certificate of Residence, Citizenship and Family status, Declaration of Assets and Financial Status and Statement of Accounts of the Prospective Adoptive Parents are on record at

page Nos.69-82, 250-265 & 296-323 to the Petition.

13. The childcare arrangement plan undertaken by the Prospective Adoptive Parents is on record at page Nos.373-384 to the Petition.

14. The home study report dated 28/08/2023 of the authorities of “Lo Scoiattolo Onlus” Italy has found the Prospective Adoptive Parents suitable for adopting a child. The said report is on record at page Nos.201-227 to the Petition.

15. The Psychological Evaluation report of Doctor Laura Ferrari, Psychologist dated 28/08/2023 is on record at page Nos.228-238 to the Petition and the report has found the Prospective Adoptive Parents suitable for adopting a child.

16. The permission of the receiving country as per Article 5/17 of the Hague Convention is on record at page Nos.244-249 to the Petition.

17. The child security undertaking dated 01/10/2024 of the Prospective Adoptive father’s sister residing at Vedelago, 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.385-391 to the Petition.

18. The Medical Examination Report of the said male minor dated 16/02/2024 states “Health Status: Special Needs. Overall observation of the child : A healthy infant with a small 3.50 mm ASD with L to R shunt present. The Prospective Adoptive Parents have countersigned this report which is on record at page Nos.168-178 to the Petition.

19. The Medical Examination Report dated 11/03/2024 at Part E Special Needs condition of child by the Department of Pediatrics Sir J.J. Group of Hospitals, Mumbai is on record at page Nos. 179-185 to the Petition and the report confirmed the status of the said male minor as Special Needs. The Prospective Adoptive Parents have countersigned this report.

20. This Court by an order dated 03/04/2025 directed Ms. Mehta learned counsel appearing for the Petitioner to submit the Reports on the aspect mentioned in paragraph no.5 of the said

order.

21. Today, Ms. Mehta had tendered the following Reports/ Statements (1) Latest Medical Reports of the said male minor dated 11/04/2025 from Sir J.J. Group of Hospitals, Mumbai. The conclusion of the Report states that the said male minor is having special needs; (2) The Medical Statement dated 12/05/2025 of Dr. Sabrina Milani, General Medicine Doctor Veneto Region, Italy wherein it is stated that there are adequate and fully operational Public health facilities that are suitably equipped to ensure medical treatment, specialized clinical care, as well as the necessary psycho-physical rehabilitation interventions for the said male minor, in accordance with the standards established by the Italian National Health System. These facilities, integrated into the local social and health network, are able to offer a continuous care and support path aimed at protecting the health and well-being of the minor; (3) The Psychological Statement of Maida Bassanelo, Psychologist dated 09/05/2025 stating that once the adoption process in India is completed, with the support of the

Authorized Agency, the Psychologist will provide the family and the child with all necessary psychological support and (4) A Report dated 11/07/2025 from the Authorized Foreign Adopting Agency (AFFA) “Lo Scoiattolo- ETS” Italy stating that once the adopting procedure is over and the parents and the child reaches Italy, they will provide the parents and the child for psychological support for them through their team of professionals and will promptly respond to their requests to help them in all ways. They further certify that the said male minor will get all possible medical facilities in Italy and also all the love and care from his parents who are eagerly waiting to take him home.

22. The aforementioned documents tendered by Ms. Mehta are taken on record and marked ‘X’ for identification.

23. The H.I.V. report of the said male minor dated 09/02/2024 certifies the case as Non-Reactive. This report is on record at page No.199 to the Petition. The post card size photograph of the male minor is on record at page No.200 to the Petition.

24. As regards the change of name, the proposed Adopters desire that the said male minor **‘Shriparn’** be renamed as **“Shriparn Spinnato”**.

25. The Declaration of consent and undertaking of proposed Adopters states that they are willing to adopt the said male minor. They further undertake that they will allow personal visits by the representatives of the Authorized Foreign Adoption Agency for follow up progress of the child as required under the Adoption Regulations. The said Declaration is on record at page Nos.410-424 to the Petition.

26. The undertaking dated 20/09/2024 of the Authorized Foreign Adoption Agency (AFAA) “Lo Scoiattolo Onlus” Italy to provide follow-up report of the child and make alternative arrangement in case of disruption of the adoptive family is on record at page Nos.425-426 to the Petition.

27. The copy of Power of Attorney dated 10/10/2024 duly executed by the Prospective Adoptive Parents in favour of the Petitioner institution is on record at page Nos.427-437 to the

Petition.

28. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period from 06/05/2020 to 05/05/2025. 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.

29. Mr. O. Hareendran, Scrutiny Officer has tendered the Report/Representation of the Indian Council of Social Welfare dated 14th July, 2025, which is taken on record and marked 'X' for identification.

30. Having considered the material on record as well as the Report/Representation of the Scrutiny Officer dated 14th July, 2025, I am of the view that it would be in the interest of the said male minor, if he is adopted by the Proposed Adoptive Parents.

31. 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 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.

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(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.”

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

33. 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, Shriparn 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 'Shriparn' to 'Shriparn

Spinnato’.

(c) That the proposed adoptive parents may be granted leave to remove the aforesaid child, Shriparn @ Shriparn Spinnato 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 ‘Shriparn Spinnato’ showing the names of the proposed adopting 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 ‘Shriparn Spinnato’ 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 ‘Shriparn Spinnato’ within ten days from the date of application, as per sub-regulation (4) of regulation 18 and regulation 38.

34. The Judge's Order is accepted and signed separately.

35. It is directed that the Petitioner shall obtain a further undertaking from the Adoptive Parents that they should not give the said male minor 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.

36. The Foreign Adoption Petition is accordingly, disposed of. There shall be no orders as to costs.

[R.I. CHAGLA, J.]