

... Petitioner

Mr. Narayan Soma Thakur And
Mrs. Laxmi Narayan Thakur

... Prospective Adoptive Parents

JUDGE'S ORDER NO. 36 OF 2025

INDIAN ADOPTION PETITION NO. 23 OF 2025

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

Ms. Swaroopa Arora, MSW, Head Programs & Operations alongwith Ms. Rituja Mukherjee, MSW, Adoption Social Worker, Bal Asha Trust, present.

Mr. Narayan Soma Thakur, Adoptive father, Ms. Laxmi Narayan Thakur and minor Jivan, present.

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

CORAM : ABHAY AHUJA, J.

DATE : 24 APRIL 2025

(In Camera in mini conference room)

P.C. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a male minor named Jivan born on 30th July 2018, by the Prospective Adoptive Parents.

2. Jivan is a Court committed child and was admitted to the Petitioner Institution on 26th April 2023 for primary care and protection as per order of the Child Welfare Committee (CWC), Mumbai City-II dated 26th April 2023. Thereafter, the biological parent executed Deed of Surrender before the CWC on 6th March 2024 for his further rehabilitation.

3. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (the “said Act”), the CWC, Mumbai City - II declared Jivan “Legally Free for Adoption” on 27th September 2024.

4. The Prospective Adoptive Parents viz. Mr. Narayan Soma Thakur and Mrs. Laxmi Narayan Thakur (the “PAPs”) are Indian nationals, residing at Flat No.505, Building No.13, Shree Ganesh Krupa CHS Ltd., D.N. Nagar, Andheri (West), Mumbai 400 053 on leave and licence basis, both aged about 52 and 47 years respectively. They have been married for the past 10 years (7th December 2014) with no biological children. The PAPs also have their own house viz. Flat No.1105, 11th Floor, Building E-1, Mira Road, Shivprema CHSL, Shivneri Sankul Building, New MHADA, Near Shanti Mirard, Penkarpada, Thane – 401107 Maharashtra by obtaining housing loan,

for which they are paying Rs.14,000/- EMI. The Prospective Adoptive father is a retired Mill worker and since 1996 he is an auto-rickshaw driver and is also a mimicry artist as well as an astrologer. He also has LICs policies as well as mutual fund investments. His income for the Assessment Year 2024-25 is Rs.6,02,530/-. The Prospective Adoptive mother is working as a Clerk with Rapid Electronics India, Jogeshwari, Mumbai since 2023 and her monthly gross salary is Rs.28,000/- and her total income for the Annual Year 2024-25 is Rs.3,30,480/- p.a. The Prospective Adoptive Father is full time taking care of the child since he is in their foster care since 18th December 2024.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 17th April, 2025 of ICSW which contains a chronology of all the approvals and reports necessary for adoption with a request to consider the same before passing the final order. The said representation is taken on record and marked “X” for the purposes of identification. The Petitioner Institution’s recognition is valid upto 5th May 2025.

6. Mr. Kapoor, learned Counsel appearing for the Petitioner has taken me through the various approvals, reports, affidavits, declarations and undertakings as under :

Sr. No.	Date	Report/Affidavit/Declaration/Undertaking	Exhibit No.
1.	02.12.2024	Minutes of Adoption Committee	“A”
2.	27.09.2024	Child Welfare Committee’s Legally Free for Adoption Order	“B”
3.	26.04.2023	Child Welfare Committee’s Admission Order	“B-1”
4.		Adoptive Parents Age Proof	“C”
5.	27.11.2015	Proof of Marriage of Adoptive Parents (Marriage Certificate)	“C-1”
6.	22.10.2024	Medical certificates of adoptive parents	“C-2”
7.		Adoptive parents motivation letter	“C-3”
8.		Proof of Residence (Leave & License Agreement)	“D”
9.		PAN & Aadhar Copies of Adoptive Parents	“D-1”
10.	17.12.2024	Consent, willingness and undertaking of Adoptive Parents	“E”
11.	17.12.2024	Pre-adoption Foster Care Agreement	“F”
12.	20.01.2025	Income Certificate and Income Tax Returns of Adoptive Father	“G”
13.	20.02.2025	Income & Employment certificate and Tax Returns of Adoptive mother	“G-1”
14.		Supportive Finance Documents	“G-2”
15.		Childcare Plan Declaration	“G-3”
16.		Self Assessment Reports	“H”
17.	22.11.2024	Home Study Reports	“H-1”
18.		Reference letters	“I”
19.		Photographs of Adoptive Parents	“J”
20.	15.01.2025	Child Security Undertaking	“K”
21.	18.12.2024	Child Study Report	“L”
22.	26.09.2024	Medical Examination Report of Minor	“L-1”
23.		Psychological Testing Report of Minor	“L-2”
24.		Name change statement	“L-3”
25.		HIV Report of minor	“L-4”
26.		Post Card size photo of minor	“L-5”

27.	13.03.2025	Consent Affidavit/Undertaking by the Petitioner	“M”
28.	04.12.2024	Undertaking by Specialized Adoption Agency	“N”

7. I have heard Mr. Kapoor, learned Counsel for the Petitioner and Mr. Hareendran, Scrutiny Officer, ICSW and also perused the various approvals, reports, affidavits, declarations and undertakings annexed to the Petition as well as the representation of the ICSW and find that the PAPs are physically fit, mentally alert, financially sound and also psychologically and emotionally suitable to adopt Jivan. Both of them have given their consent for the adoption.

8. The Home study report of the Specialized Adoption Agency “St. Catherine’s Home”, Andheri West, Mumbai has also found the PAPs are mentally stable and healthy to take care of a child. The Prospective Adoptive father also does astrology as well as he is a mimicry artist as a hobby. That they are financially stable to take care of the adopted child between the age group of 6-8 years. The updated Home Study Report indicates that the PAPs tried to conceive naturally and were successful but unfortunately she had a miscarriage in the sixth month. They have not done any medical or artificial treatment. Finally, PAPs has discussed with their family members and have made their decision to adopt a child as medical complications may arise. The social worker

has recommended adoption of a male child of 6-8 years observing that the PAPs are economically stable and medically fit to adopt.

9. It is also noted from the medical reports of the PAPs that they are physically and mentally fit and do not suffer from any chronic contagious or fatal disease and they both are fit to adopt a child.

10. It is observed from Jivan's medical examination report that he is active, happy and content. That he is developmentally normal as per the age driven from the report of the Forensic Medicine Department of J.J. Hospital, Mumbai. His IQ is 102 and SQ is 97. He lags behind a bit in language skills, probably due to a lack of stimulation. He is expected to pick up rapidly in more stimulating 'home' environment. He requires speech therapy. He is attending first standard in S.V.S. Primary School (Semi English Medium).

11. I have also interacted with the PAPs today and observe their enthusiasm to adopt Jivan, who has been in their foster care since 18th December 2024 without any complaints and they are present with the adoptive child today. The PAPs affection for the child also appears natural, so does the minor's reciprocation.

12. The child security undertaking has been given by the younger brother of prospective adoptive father who has a daughter. Prospective Adoptive Father is full time available with the child for taking care. That

the Prospective Adoptive Mother is also contributing in child care. That other family members are also supporting. The child care plan also appears satisfactory as the Prospective Adoptive Mother has stated that she intends to take leave from work for a period of two months to care for her child. Thereafter, her husband will take responsibility for child's care in her absence when she resumes work.

13. Ergo, I am satisfied that it would be in Jivan's interest and welfare that he is adopted by the PAPs as the adoption will secure his upbringing and future.

14. It does not appear to me that this is a case where any consideration has been given or agreed to be given in consideration for the adoption nor any material has been placed before me or brought to my notice to hold otherwise.

15. This Court has jurisdiction to consider and dispose of the present Petition in view of the order dated 10th January 2023 of this Court in the case of ***Nisha Pradeep Pandya alias Nisha Amit Gor and another vs. Union of India and Ors.***¹, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

1 Writ Petition No.1085 of 2023 (Writ Petition (L) No.32065 of 2022)

16. Ergo, the Petition is allowed in terms of prayer clauses (a) to (d), which read thus :

(a) That the Prospective Adoptive Parents be given the said child in Adoption be declared as parents and have 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 born on 30/07/2018 and stating thereon that the Prospective Adoptive Parents as the parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to change the name of the minor from "Jivan Devidas Patil" to "Jivan Narayan Thakur".

17. The Judge's order is accepted and signed separately. There is an undertaking of the Adoptive Parents in the Judge's order to invest a sum of Rs.1,00,000/- in the name of the adopted child. They have also undertaken not to withdraw this investment till the adopted child

attains majority and to hand over the investment receipt to the adopted child on his attaining majority.

18. The undertakings in the Petition and the Judge's Order are accepted as undertakings to this Court.

19. The Indian Adoption Petition accordingly stands allowed and is disposed as above.

(ABHAY AHUJA, J.)

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