

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

INDIAN ADOPTION PETITION NO. 24 OF 2025

Vatsalya Trust

... Petitioner

And

Mr. Nikhil Agarwal and

Mrs. Divya Agarwal

...Prospective Adoptive Parents

**WITH
JUDGE'S ORDER NO. 37 OF 2025**

Ms. Sangeeta Nagpal, Advocate for the Petitioner.

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

Ms. Nanda S. Sangode-Social Worker of Petitioner Institution.

Mr. Nikhil Agarwal, Adoptive father, Mrs. Divya Agarwal, Adoptive mother, and minor Lakshya, present.

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

CORAM : ABHAY AHUJA, J.

DATE : 17 APRIL 2025

(In Camera in mini conference room)

PC. :

1. This Indian Adoption Petition by the Petitioner seeks an order permitting adoption of a male minor named Ansh born on 3rd February, 2024, by the Prospective Adoptive Parents.

2. Ansh was admitted to the Petitioner Institution on 27th February, 2024 as the biological mother surrendered Ansh before the

Child Welfare Committee (CWC), Mumbai Suburban District on 23rd February, 2024. The CWC recognized the admission after passing order on 27th February, 2024, for primary care and protection and the child's safe custody under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (the "said Act").

3. After making due inquiry and after considering various circumstances and pursuant to powers under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared Ansh "Legally Free for Adoption" on 23rd April, 2024.

4. The Prospective Adoptive Parents viz. Mr. Nikhil Agarwal and Mrs. Divya Agarwal (the "PAPs") are Indian nationals, residing at Bangalore, both aged about 37 years. They have been married for the past 11 years (10th December, 2013) with no biological children. The PAPs stay in a rented house which is spacious with a separate play area and a park is accessible near to their house. The Prospective Adoptive father is working as a Senior Market Analyst with Team Lease Services Limited, Bangalore since 1st October, 2022 and his monthly (December-2024) gross salary is Rs. 1,99,405/-. The Prospective Adoptive mother is working as a Senior Business Systems Analyst with Infoblox Technical

Support & Software Development Private Limited since 16th September, 2019 and her monthly (December-2024) gross salary is Rs. 2,57,759/-.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 15th 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.

6. Ms. Nagpal, 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	01-09-1988 26-09-2015 --- 10-01-2014 16-09-2024 16-09-2024 17-09-2024 07-11-2024 17-09-2024	Birth Certificates of the Prospective Adoptive father, Birth Certificates of the Prospective Adoptive mother, PAN Card of the Adoptive Parents. Marriage Certificate of PAPs, Reference letters of PAPs. Infertility report of PAPs, Medical Certificates of PAPs. Bill of maintenance in respect of accommodation of the PAPs.	A

2	01-12-2023 -- 2022 to 2025 -	Employment Certificates of PAPs. Salary Slips of Adoptive Parents, Income Tax Returns of the PAPs Four LIC Policies Premium receipts of Prospective Adoptive Father	B
3	17-11-2023 -- 10-10-2024	Home Study Report, Photograph of Proposed Adopters/Parents, Motivation Letter of Adoptive Parents.	C
4	16-09-2024	Child Care Arrangement	D
5	16-09-2024	Undertaking of Sister and Brother in Law of Proposed Adoptive Mother	E
6	15-10-2024 15-10-2024 29-08-2024 09-10-2024 06-07-2020	Child Study Report, The Medical Report of the Child HIV Report of the Child Minutes of Adoption Committee, Recognition Certification of Petitioner Institution.	F
7	23-04-2024	Orders of Child Welfare Committee including the Order declaring Child Legally free for adoption	G
8	10-10-2024	Pre-Adoption Foster Care Agreement	H
9	10-10-2024 10-10-2024 --	Applicant's Consent Affidavit, Name Change Letter, Post Card Size Photograph of Minor	I
10	18-09-2024 28-03-2025 03-03-2025	Undertaking of Shishu Mandir, Children's Home Bangalore, Post placement report of the child of Shishu Mandir Children's Home, Bangalore. Undertaking/Affidavit of Social Worker of Vatsalya Trust, the Petitioner.	J

7. I have heard Ms. Nagpal, 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 note that the PAPs are physically, mentally, financially, socially, psychologically and emotionally suitable to adopt Ansh. The Home

study report of the Specialized Adoption Agency “Shishu Mandir Children’s Home”, Bangalore has also found the PAPs suitable for adopting a normal girl/boy child below two years. The updated Home Study Report indicates that the PAPs and their family are very keen, enthusiastic and eagerly waiting for the child and the whole family is supportive towards the adoption and extend their whole hearted support to the PAPs. The social worker had recommended adoption of a girl/boy child below two years observing that the PAPs are financially sound to welcome one more member in their family and that their earnings will copiously provide all the adoptive child’s needs. The PAPs got married on 10th December, 2013 and had been trying for a child for the last few years and also consulted several doctors and went through almost all artificial treatments. The PAPs having a very strong desire to become parents, they are confident that they can give a good environment and good education for the growth of the child. The PAPs are well prepared and they strongly feel that, one child will make a huge difference in their lives that will complete their lovely family. They are mentally and emotionally prepared for the adoption of a child. They have good understanding of parental techniques for parenting of the child. It is observed that both will equally participate in rearing and caring of the child and shoulder equal responsibility of

child. Ansh was placed in the foster care of the PAPs on 10th October, 2024. The Post-Legal follow up report dated 28th March, 2025, of the Specialized Adopted Agency “Shishu Mandir Children’s Home”, Bangalore reveals that the child has emotionally well connected to the parents and his grandparents. The parents were delighted to inform that the child has good progress in his emotional, physical and social development. That the child’s emotional well-being is evident in his responsive interactions displaying a growing capacity for expressing joy, curiosity and contentment. That physically the child is thriving, demonstrating age-appropriate motor skills and reaching developmental milestones with enthusiasm. Additionally, his social development is noteworthy, as he engages positively and displays an emerging interest in his surroundings. That the child has truly won the hearts of everyone in the family and their world revolves around him. It has been reported that the child is very well adjusted and accepted the parents and they are happy with each other and leading a very happy and normal life. The child has formed strong and heartwarming attachments with the family members, particularly with his parents and his interaction with all of them reflect a secure and loving bond, highlighting a positive and nurturing environment. The child consistently responds with joy and affection in the presence of his

parents, demonstrating a sense of comfort and security. That the child's transition into new home has been characterized by a swift and smooth integration, showcasing his resilience and forming strong bonds with the family members and has readily embraced the warmth and love provided by the adoptive family. The social worker feels that the child is blessed with loving and dedicated parents who keep him happy and provide all that he needs and that their sense of fulfillment on seeing him growing physically and emotionally is evident. It is observed from the report that either of the PAPs will always be present with the child since both of them have work from home profiles. Also the parents of the Prospective Adoptive Father stay at home with the PAPs. The Prospective Adoptive Mother is planning to apply for maternity leave from her company and will spend this time dedicatedly with the child. The PAPs are also planning to hire a nanny and full-time domestic help which will help them in spending more quality time with the child.

8. It is also noted that the medical reports of the PAPs indicate that they are clinically fit to adopt and that Ansh is a normal child with milestones appropriate for age.

9. I have also interacted with the PAPs today and note their eagerness to adopt Ansh, who has been in their foster care since 10th

October, 2024 without any complaints and they are present with the adoptive child today. It is observed that within the short span of time, the child is emotionally well connected to the parents. The PAPs affection for the child also appears natural.

10. The child security undertaking has been given by the younger sister of the Prospective Adoptive Mother. The child care plan by the Prospective Adoptive Father's mother also appears satisfactory.

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

12. 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.

13. 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.

14. The PAPs also desire that the name of minor “Ansh” be changed to “Lakshya Agarwal”. I see no impediment.

15. Ergo, the Petition is allowed in terms of prayer clauses (a) to (e), which reads thus :

(a) For adoption of the proposed male minor ANSH @ LAKSHYA AGRAWAL born on 3rd February, 2024 by the proposed Adopters under Juvenile Justice Act.

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor LAKSHYA AGARWAL.

(c) That the Proposed Adopters be granted permission to change the name of minor ANSH to LAKSHYA AGARWAL.

(d) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor LAKSHYA AGARWAL, born on 3rd February, 2024 and stating thereon

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

that the Prospective Adoptive Parents as the Parents of the said minor.

(e) 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.

16. 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.2,00,000/- 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.

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

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

(ABHAY AHUJA, J.)

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