



2. Pavitra is a Court committed child and was surrendered by the biological parents before the Child Welfare Committee (CWC), Mumbai City-II and the said minor's safe custody was given to the Petitioner Institution on the same day as per CWC order dated 26<sup>th</sup> August 2024 under the 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, Mumbai City - II declared Pavitra "Legally Free for Adoption" on 25<sup>th</sup> November 2024.

4. The Prospective Adoptive Parents viz. Mr. Ashish Surendra Agarwal and Mrs. Mamta Ashish Agarwal (the "PAPs") are Indian nationals, residing at 201, B Wing, Goodwill Fabian Society, Near Old Dhanori Jakat Naka, Kalwad Road, Lohegaon, Pune 47, both aged about 34 and 32 years respectively. They have been married for the past 10 years (21<sup>st</sup> April 2015) with no biological children. The Prospective Adoptive Father owns the flat where they are residing. PAPs have purchased one more flat as investment at Dhanori. The

Prospective Adoptive father is working as a Team Leader with Nexdigm Private Limited, Pashan, Pune since 8<sup>th</sup> November 2021 and his monthly gross salary is Rs.71,999/-. The Prospective Adoptive mother is a homemaker and is full time taking care of the child since he is in their foster care since 21<sup>st</sup> December 2024.

5. Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (“ICSW”), present at today’s hearing has tendered the representation dated 16<sup>th</sup> 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 5<sup>th</sup> 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 :

| <b>Sr. No.</b> | <b>Date</b> | <b>Report/Affidavit/Declaration/Undertaking</b>           | <b>Exhibit No.</b> |
|----------------|-------------|-----------------------------------------------------------|--------------------|
| 1.             | 18.12.2024  | Minutes of Adoption Committee                             | “A”                |
| 2.             | 05.12.2024  | Child Welfare Committee’s Legally Free for Adoption Order | “B”                |
| 3.             | 26.08.2024  | Child Welfare Committee’s Admission Order                 | “B-1”              |
| 4.             |             | Adoptive Parents Age Proof                                | “C”                |

|     |            |                                                                 |       |
|-----|------------|-----------------------------------------------------------------|-------|
| 5.  | 07.11.2023 | Proof of Marriage of Adoptive Parents (Marriage Certificate)    | “C-1” |
| 6.  | 19.12.2024 | Medical certificates of adoptive parents                        | “C-2” |
| 7.  | 04.01.2025 | Adoptive parents motivation letter                              | “C-3” |
| 8.  |            | Proof of Residence (Electricity Bill)                           | “D”   |
| 9.  |            | PAN & Aadhar Copies of Adoptive Parents                         | “D-1” |
| 10. | 19.12.2024 | Consent, willingness and undertaking of Adoptive Parents        | “E”   |
| 11. | 19.12.2024 | Pre-adoption Foster Care Agreement                              | “F”   |
|     |            | Pay slips, Form No.16 and Income Tax Returns of Adoptive father | “G”   |
|     |            | Supporting Financial Documents                                  | “G-1” |
| 14. | 08.05.2024 | Self Assessment Reports                                         | “H”   |
| 15. |            | Home Study Reports                                              | “H-1” |
| 16. | 19.12.2024 | Reference letters                                               | “I”   |
| 17. |            | Photographs of Adoptive Parents                                 | “J”   |
| 18. | 19.12.2024 | Child Security Undertaking                                      | “K”   |
| 19. | 05.12.2024 | Child Study Report                                              | “L”   |
| 20. | 21.12.2024 | Medical Examination Report of Minor                             | “L-1” |
| 21. |            | Name change statement                                           | “L-2” |
| 22. | 13.11.2024 | HIV Report of minor                                             | “L-3” |
| 23. |            | Post Card size photo of minor                                   | “L-4” |
| 24. | 13.03.2025 | Consent Affidavit/Undertaking by the Petitioner                 | “M”   |
| 25. | 13.03.2025 | 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 highly motivated to adopt a child for providing a good upbringing to her. The PAPs are also socially, psychologically and emotionally suitable to adopt Pavitra. Both the PAPs have consented.

8. The Home study report of the Specialized Adoption Agency “Bharatiya Samaj Seva Kendra” Pune, has also found the PAPs are mentally stable and healthy to take care of a child. The PAPs have invested in fixed deposit and in the LICs Policies around 13 lakhs. They have purchased one more flat as investment at Dhanori, for which they have obtained home loan of Rs.42 lakhs and paying EMI of Rs.34000/-. They have given the said flat on rent and getting rent of Rs.14,000/- per month. They are financially stable to take care of the adopted child between the age group of 0-2 years.

9. The updated Home Study Report indicates that Prospective Adoptive Mother had left her job and now she is housewife so she can devote her full time for child care. She wants to enjoy motherhood so she left her job. Prospective Adoptive father is going to take paternity leave and leave as per requirement of the child. Family of Prospective Adoptive Mother is supportive to their adoption and going to help them in child care. It is observed from the report that the Prospective

Adoptive Mother is full time available with the child for taking care. That the Prospective Adoptive Father is also contributing his role in child care. I am satisfied with the child care arrangement.

10. It is also noted that the medical reports of the PAPs indicate that Prospective Adoptive Mother is known case of hypothyroidism since last 9 years on regular medicines. There is no other medical or surgical history. They are physically and mentally fit and do not suffer from any chronic contagious or fatal disease and are fit to adopt. The medical examination report of the child dated 21<sup>st</sup> December 2024 reveals that Pavitra a healthy child who is happy and content. She is developmentally normal.

11. The child security undertaking has been given by the brother-in-law and sister-in-law of the PAPs.

12. I have also interacted with the PAPs today and note their eagerness to adopt Pavitra, who has been in their foster care since 21<sup>st</sup> December 2024 without any complaints and they are present with the adoptive child today. The PAPs affection for the child also appears natural.

13. Ergo, I am satisfied that it would be in Pavitra's interest and

welfare that she is adopted by the PAPs as the adoption will secure her 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 10<sup>th</sup> January 2023 of this Court in the case of ***Nisha Pradeep Pandya alias Nisha Amit Gor and another vs. Union of India and Ors.***<sup>1</sup>, concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

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.

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<sup>1</sup> Writ Petition No.1085 of 2023 (Writ Petition (L) No.32065 of 2022)

(c) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said female minor born on 18/08/2018 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 “Pavitra” to “Aastha Ashish Agarwal”.

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 her 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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