

Sharada

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

INDIAN ADOPTION PETITION NO. 35 OF 2025

WITH

JUDGE'S ORDER NO. 49 OF 2025

IN

INDIAN ADOPTION PETITION NO. 35 OF 2025

St. Catherine's Home, Mumbai

...Petitioner

And

Mr. Surendra Krishna Nade
Mrs. Latika Surendra Nade

...Prospective
Adoptive Parents

Mr. Rakesh Kapoor i/by Mr. Rakesh K. Kapoor, Advocate for the
Petitioner.

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

Mr. Surendra Krishna Nade- Adoptive Father and Mrs. Latika
Surendra Nade- Adoptive Mother along with minor Ariyan present in
Chamber

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

CORAM : R.I. CHAGLA, J.

DATE : 2nd JULY 2025

ORDER :

1. By this Indian Adoption Petition the Petitioner and the Prospective Adoptive Parents have sought adoption of the male minor Ariyan, (“**the said male minor**”) born on 18/09/2024. The biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban on 25/09/2024 and the child’s safe custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 25/09/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“the said Act”). The Admission Order of the CWC is on record at page No.22 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai Suburban-II declared the said male minor “Legally Free for Adoption” on 25/11/2024. The Free for Adoption Certificate is on record at page No.21 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals, residing at Mira Road (East), Dist. Thane aged about 43 and 42 years respectively. They have been married for the past 13 years (26/04/2012) with no biological children.

4. The Motivation Letter from the Prospective Adoptive

Parents is on record at page No.34 to the Petition.

5. The Minutes of Adoption Committee Meeting held on 13/02/2025 is on record at page Nos.19-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said male minor is on record at page Nos.176-180 to the Petition.

7. The Medical Report dated 07/02/2025 of the Prospective Adoptive Parents is on record and it states, "Both are in good health and fit for parenting an adopted child". Their HIV I & II and HbsAg Test reports certify the case as Negative. These reports are on record at page Nos.26-33 to the Petition.

8. The Prospective Adoptive father is working as a Senior Engineer in Promise Technology Inc., India Sales Department located at Taiwan and his monthly (January-2025) gross salary is USD 1500 (Rs.1,29,000)/-). His Employment/Income Affidavit, Payroll Slips and Income Tax Returns are on record at page Nos.50-67 to the Petition.

9. The Prospective Adoptive mother is self-employed (online Consultation and clinical practice) at Bandra, Mumbai since 2017 and her income for the Assessment Year 2024-2025 is Rs.6,88,550/-. Her Income Affidavit and Income Tax Returns are on record at page Nos.68-89 to the Petition.

10. The Proof of Residence, copies of Pan Cards and other supportive financial documents are on record at page Nos.35-39 & 90-111 to the Petition.

11. The Childcare plan declarations of the Prospective Adoptive mother, her mother and her mother-in-law are on record at page Nos.112-124 to the Petition.

12. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parents is on record at page Nos.125-132 to the Petition.

13. The Home Study Part II : Assessment Reports dated 22/03/2022 and 22/04/2025 of the social worker of Specialized Adoption Agency “Bal Asha Trust” Mahalaxmi, Mumbai have found the Prospective Adoptive Parents suitable for adopting a boy child

between the age group of 0-2 years old. These Reports are on record at page Nos.133-139 to the Petition.

14. The child security undertaking dated 09/01/2025 given by the Prospective Adoptive Mother's brother and sister-in-law residing at Borivali, Mumbai to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.152-159 to the Petition.

15. The Medical Examination Report of the said male minor dated 20/12/2024 states, "Health status is normal: Ariyan, at the age of 3 months is growing well physically and neurologically". He has achieved most of the gross motor milestones expected for his age. The Prospective Adoptive Parents have countersigned the said Report which is on record at page Nos.163-172 to the Petition.

16. The HIV Test Report of the said male minor dated 26/09/2024 certifies the case as Negative. This report is on record at page No.174 to the Petition.

17. The Post Card Size Photograph of the said male minor is on record at page No.175 to the Petition.

18. The Pre-adoption foster care undertaking dated 19/02/2025 is on record at page Nos.43-49 to the Petition.

19. The Declaration of consent, willingness and undertaking by the Prospective Adoptive Parents states that they are willing to be appointed and declared as Adoptive Parents of the said male minor. The said Declaration is on record at page Nos.40-42 to the Petition.

20. The Pre-adoption foster care undertaking dated 19/02/2025 is on record at page Nos.43-49 to the Petition.

21. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor "Ariyan" be renamed as "Parth Surendra Nade".

22. The undertaking dated 01/03/2025 given by the Specialized Adoption Agency "Bal Asha Trust" Mahalaxmi, Mumbai for furnishing post adoption follow-up reports is on record at page No.181 to the Petition.

23. 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.

24. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 25/06/2025 which is taken on record and marked 'X' for identification.

25. Having considered the material on record as well as the Report of the Scrutiny Officer dated 25/06/2025 marked 'X', in my view, it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

26. 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.

(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.”

27. Hence, it is clear that this Court can consider and dispose of

the present Petition.

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

(a) “That the Prospective Adoptive Parents be given the said child Parth Surendra Nade in Adoption and be declared as parents having 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 male minor Parth Surendra Nade 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 Parth Surendra Nade, born on 18/09/2024 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 ‘ARIYAN’ to “Parth Surendra Nade”.

29. In the Judge’s Order there is an undertaking of the Adoptive Parents to invest an amount of Rs.1,00,000/- (Rupees One Lakh only)

in the Adopted Child's name. They also undertake not to withdraw this investment till the Adopted Child attains majority. They have agreed to handover the investment receipt to the Adopted Child on his becoming a major. These undertakings are accepted as undertakings to this Court.

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

31. The Indian Adoption Petition is accordingly disposed of.

32. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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