

Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INDIAN ADOPTION PETITION NO. 42 OF 2025

WITH

JUDGE'S ORDER NO. 59 OF 2024

IN

INDIAN ADOPTION PETITION NO. 42 OF 2025

Mr. Francies Xavier Anthony Fernandes and
Mrs. Michelle Francies Fernandes ...Petitioners

Mr. Rakesh Kapoor i.by Kapoor and co., Advocate for the Petitioner.

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

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

CORAM : R.I. CHAGLA, J.

DATE : 6th AUGUST, 2025

ORDER :

1. By this Indian Adoption Petition, the Petitioners are seeking adoption of the male minor Ezra Ryan Waters (“**the said Adoptee**”) born on 07/05/2017. The said Adoptee is the biological son of Petitioner No.2 from her first marriage. The Petitioner No.2 was

married to late Mr. Ryan Waters (biological father of the said Adoptee) on 14/04/2025. However, the late Ryan Waters passed away due to heart attack on 01/04/2020. Thereafter on 28th February, 2022 the Petitioner No.2 married the Petitioner No.1 herein. The said Adoptee has thereafter been looked after by the Petitioners and is well adjusted with them. The Death Certificate of the biological father of the said Adoptee is on record at page No.32 to the Petition.

2. The Petitioners have stated that looking into the better future and ultimate welfare and well-being of the said Adoptee, the first Petitioner decided to take the said Adoptee under legal guardianship and filed a guardianship Petition being Indian Guardianship Petition No.2 of 2024 in this Court with the consent of the biological mother i.e. the Petitioner No.2 herein. This Court allowed the Petition on 12/06/2024. The said Guardianship order is on record at page Nos.17-22 to the Petition.

3. The above Indian Adoption Petition is filed by the Petitioner as per the law laid down in the judgment dated 27th October, 1999 of the then Justice Shri F. I. Rebello (2000 All MR Pg.39) and the judgment dated 22nd April, 2018 of the then Justice Shri G. S. Patel

(Indian Adoption Petition No.32 of 2018).

4. The Petitioners are Indian Nationals residing at Jebel Ali, Dubai and permanent residents of Bhayandar, Dist. Thane. The Petitioners are aged about 40 and 38 years respectively. They have been married for the past 3 years (28/02/2022) and having one biological child aged about 3 years (DOB: 09/07/2022). His birth certificate and medical report is on record at page Nos.33-35 to the Petition.

5. The Petitioner No.1 was married earlier on 18/04/2025 and divorced on 21/01/2022 with no issues from this marriage. The Divorce Decree is on record at page Nos.26-31 to the Petition.

6. The Motivation letter of the Petitioner No.2 is on record at page No.91 to the Petition.

7. The Medical Certificate dated 21/01/2025 of the Petitioner No.1 and 2 states "Both are physically and medically fit".The said Medical Certificate is on record at page Nos.36-37 to the Petition.

8. The first Petitioner is working as a Tech Del & Ops

Excellence Assoc. Manager with Accenture since March-2020 and his monthly (December-2024) Net salary is AED 29,210.58/-. His Pay Slip for the month of December 2024 is on record at page No.48 to the Petition. The Petitioner No.2 is a Homemaker.

9. The Proof of Residence, PAN Card Copies and Supportive Financial documents are on record at page Nos.38-47 & 49-68 to the Petition.

10. As per this Court's direction dated 12th June, 2024, the Petitioners had invested a sum of Rs.1,00,000/- in the name of the said Adoptee in LIC's Single premium plan. The LIC Premium Receipt dated 24/06/2024 is on record at page No.69 to the Petition.

11. The Home Study Reports dated 29/03/2024 and 21/01/2025 by the Social Worker Ms. Clipsy Banji, BA, MSW, PGPDm has recommended the said Adoptee's case for adoption, as it will be in the best interest of the said Adoptee. These said reports are on record at page Nos.70-76 to the Petition.

12. The follow up Reports of the said Adoptee dated 14/11/2024

and 21/01/2025 state that the said Adoptee shares a very close and affectionate relationship with his mother and step-father. He follows a healthy routine with a balanced diet and sleep, and enjoys spending time with his family and his little brother Earl. He is studying in the Second grade at Deira Private School in Dubai. He loves going to school to hang out and play with friends. After all assessment, the Social worker is of the view that the Petitioners together will provide the said Adoptee a stable, loving and supportive environment to foster his emotional and social growth. The said follow up report is on record at page Nos.77-78B to the Petition.

13. The Medical Certificate of the said Adoptee dated 20/01/2025 states that “He is in normal state of health and free from any communicable or non-communicable disease/illness or physical defects/infirmity, which may interfere with his schooling including the active outdoor activities”. The immunization status and records are upto date as per Universal Immunization Preprogram /Immunization Schedule. The said Medical certificate is on record at page No.80 to the Petition.

14. The said Adoptee’s latest Post Card Size Photograph, consent

letter and Aadhar Card copy are on record at page Nos.79 & 81-82 to the Petition.

15. The Recommendation letters in support of adoption of the said Adoptee from close family friends of the Petitioners are on record at page Nos.84-90 to the Petition.

16. The Name Change Request Letter of the Petitioners is on record at page No.83 to the Petition and it states that they desire that the said Adoptee 'Ezra Ryan Waters' be renamed as "Ezra Francis Fernandes".

17. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation or the Indian Council of Social Welfare (ICSW) dated 24/06/2025. It has been opined in the Scrutiny Report that based on the Indian Guardianship Petition No.2 of 2024 granted on 12/06/2024 by this Court in favour of the petitioner No.1 and the home visit report/progress report prepared by the Qualified Social Worker, and upon perusal of the documents annexed to the Petition, the said Adoptee is fit for Adoption.

18. The said Adoptee together with the petitioner No.2 are

present at today's hearing. From the interaction with the said Adoptee I find that the said Adoptee has adjusted well with the Petitioners and that there is integration.

19. This Petition has been filed by the Petitioners for confirming their legal status as Adoptive Parents. Considering that the Adoptive Parents have already invested a sum of 1,00,000/- in the name of the said Adoptee, in LIC's Single premium plan and that the premium receipt is on record, there is no necessity to direct any further investment.

20. I have considered the material on record as well as the report of the Scrutiny Officer marked 'X'. In my view, it would be in the interest of the said Adoptee that he is adopted by the Petitioners.

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

(a) That this Hon'ble Court may be pleased to declare the Petitioners as Adoptive Parents of the said male minor Ezra Francis Fernandes, under the guardianship of the Petitioners Mr. Francis Xavier Anthony Fernandes and Mrs. Michelle Francis Fernandes

(b) That the period of two years must elapse before the Court considers the Petition for adoption from the date the Court passes the order of Guardianship be waived off.

(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 Ezra Francis Fernandes, born on 07/05/2017 and stating that thereon that the Petitioners Mr. Francis Xavier Anthony Fernandes and Mrs. Michelle Francis Fernandes as the Parents of the said male minor Ezra Francis Fernandes.

(d) That the Petitioners be allowed to change the name of the said from 'Ezra Ryan Waters' to "Ezra Francis Fernandes".

22. The Judge's Order is also accepted and separately signed.
23. The Indian Adoption Petition is accordingly disposed of.
24. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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