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

INDIAN ADOPTION PETITION NO. 44 OF 2025

WITH

JUDGE'S ORDER NO. 61 OF 2025

IN

INDIAN ADOPTION PETITION NO.44 OF 2025

(1) Gagan Sekhsaria

And

(2) Gautami Seksaria

...Petitioners

Mr. Rakesh Kapoor i/b M/s. Rakesh K.L. Kapoor & Co.,
Advocate for the Petitioners.

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

Mr. Dilip S. Gurav, Chamber Registrar present.

Mr. Rajkumar Sekhsaria, POA holder of Petitioner/ Grandfather,
and Ms. Prerna Sekhsaria, Granddaughter a/w **Adoptee Child**
present in Chamber.

CORAM : R.I. CHAGLA, J.

DATE : 16th JULY, 2025.

ORDER :

1. This Indian Adoption Petition has been filed by the Petitioners, for adoption of male minor Rohan Nikhil Dewade (“**the said adoptee**”) born on 7th October, 2021.

2. The said adoptee is the biological son of married couple Mr. Nikhil Ganesh Dewade and Mrs. Pooja Nikhil Dewade, who reside at Ulhasnagar, District Thane, Maharashtra. On 18/06/2023 the biological mother Pooja Nikhil Dewade expired, leaving the biological father as the child’s sole legal guardian/Parent. Since the biological father had no other means of support and no stable job, he was unable to take care of his One and half year old son, who was then placed in physical custody of the Petitioners on 13/09/2023. The biological father knew the Petitioners through his aunt who is working as a House Help in the Petitioners residence for the last 4 years.

3. The Petitioners decided to take the said adoptee under their legal guardianship and filed a Guardianship Petition No.1 of 2024 in this Court with the consent of the biological father. This

Court allowed the said Petition on 6/03/2024. The said Guardianship order is on record at page Nos.17-22 to the Petition.

4. The Adoption Petition is filed by the Petitioners as per the Judgment dated 27/10/1999 of the then Justice Shri F.I. Rebello (2000 All MR Pg.39) and the Judgment of the then Justice Shri. G.S. Patel dated 22/04/2018 (Indian Adoption Petition No.32 of 2018).

5. The Petitioners are Indian Nationals permanently residing at Sewri, Mumbai and presently residing at Cape Town, South Africa, aged about 45 and 47 years respectively. They have been married for the past 21 years (27/08/2004) and have one biological daughter aged about 18 years. The biological daughter's Birth Certificate, Passport Copy, Medical Fitness Certificate, Consent Letter and Aadhar Card Copy are on record at page Nos.29-33 to the Petition.

6. The Medical Fitness Certificate of the Petitioners dated 17/02/2025 states that both are medically fit. The said certificate is on record at page Nos.34-35 to the Petition.

7. The Petitioner No.1 is working as a Director of Global Investments with Red Sea Gateway Terminal since 16/01/2018 and is currently posted at Saudi Arabia. His monthly (May-2025) net salary including allowances is SR 1,08,834 (=Rs. 23,94,348/-). His Employment Certificate and Salary Slips are on record at page Nos.44-47 to the Petition. The Petitioner No.2 is a Homemaker.

8. The proof of residence, PAN card copies and supportive financial documents are on record at page Nos.36-43 & 48-77 to the Petition.

9. As per this Court's direction dated 6/03/2024, the Petitioners had invested a sum of Rs. 1,00,010/- in the name of the said adoptee in LIC's Single premium plan. The LIC Premium Certificate dated 19/03/2024 is on record at page Nos.78-80.

10. The home study reports dated 16/12/2023 and 18/02/2025 of the Social Worker Ms. Clipsy Banji, BA, MSW have found the Petitioners suitable adoptive parents for the said adoptee. The said reports are on record at page Nos.87-89 to the

Petition.

11. The follow up Reports of the said adoptee dated 14/09/2024 and 18/02/2025 are on record at page Nos.90-93 to the Petition. It states that the Petitioners have wholeheartedly embraced the responsibility of providing the said adoptee with a loving and supportive environment. The couple is fully committed to addressing any adoption- related challenges as they move forward with the legal process. Their biological daughter Mahiya, continues to show affection and warmth towards the said adoptee Rohan, gradually integrating him into the family with love and care.

12. The Addendum report dated 08/06/2025 states that since the said adoptee's Tourist Visa to South Africa expired, he returned to Mumbai, India on 18/04/2025 and he is currently residing with his grandparents at Sewri, Mumbai. He has resumed attending Fun School from 9 am to 11 am, a play school at Sewri, he previously attended before moving to Cape Town, South Africa. The Petitioner No.2 and her daughter continue to stay in

Cape Town, South Africa and Petitioner No.2 is actively involved in coordinating Rohan's educational and developmental schedule in Mumbai. The Petitioner No.1 is currently working in Saudi Arabia, but remains consistently in touch and supportive of the said adoptee's integration process. After all assessment, the Social Worker observed that the said adoptee has adjusted well during his transit from Cape Town to Mumbai. The presence of his grandparents have provided emotional stability and continuity in caregiving. With a supportive routine and active involvement from his parents, especially the prospective adoptive mother, his developmental and educational needs continue to be well met by an integrated contribution of all his family members. The said Addendum Report is on record at Page No. 93A to the Petition.

13. The said adoptee's Birth Certificate, Passport Copy and Latest Post Card Size Photograph are on record at page No.94-96 to the Petition.

14. The Medical Certificate dated 27/02/2025 of the said adoptee states that he is physically fit and is fully vaccinated age

appropriate. The said certificate is on record at page No.97 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.99-108 to the Petition.

16. As regards the change of name, the Petitioners desire that the said adoptee '**Rohan Nikhil Devade**' be renamed as "**Rohan Seksaria**".

17. The Power of Attorney dated 9/11/2023 duly executed by the Petitioners in favour of Mr. Rajkumar Seksaria, father of the Petitioner No.1 is on record at page Nos.108-113 to the Petition.

18. Mr. O. Hareendran, Scrutiny Officer has tendered the Report/Representation of the Indian Council of Social Welfare dated 26th June, 2025, which is taken on record and marked 'X' for identification.

19. The Scrutiny Officer has recommended/observed in the said report that based on the Guardianship Petition No.1 of 2024 granted on 6/03/2024 by this Court in favour of the Petitioners and the home visit reports/progress reports prepared by the Qualified Social Worker the said adoptee is well integrated into the adoptive family.

20. The said adoptee together with the father of the Petitioner No.1, Mr. Rajkumar Sekhsaria are present at today's hearing. From the interaction with them, I find that the said adoptee has a positive approach. He is waiting for the confirmation of the legal status of being the son of the Petitioners.

21. Considering that by an earlier order dated 6/03/2024, the Petitioners have invested a sum of Rs. 1,00,001/- in the name of the said adoptee in LIC's Single Premium Plan and LIC for Premium Certificate dated 19/03/2024 is on record there is no question of further investments.

22. Having considered the material on record as well as the Report/Representation of the Scrutiny Officer marked 'X', I am of the view that it would be in the interest of the said adoptee, if he is adopted by the Petitioners.

23. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (e) 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 **Rohan Seksaria**, under the guardianship of the Petitioners Mr. Gagan Sekhsaria and Mrs. Gautami Seksaria.*

(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 specified in the Judgement dated 27/10/1999 of Hon'ble Justice Shri. F.I. Rebello (2000 ALL MR Pg. 39) 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 **Rohan Seksaria**, born on **07/10/2021** and stating thereon that the Petitioners Mr. Gagan Sekhsaria and Mrs. Gautami*

*Seksaria as the Parents of the said male minor **Rohan Seksaria**.*

(d) *That the passport authority may be directed to amend and/or issue a new passport in the name of **Rohan Seksaria**, born on **07/10/2021** and stating thereon that the Petitioners Mr. Gagan Sekhsaria and Mrs. Gautami Seksaria as the Parents of the said minor **Rohan Seksaria**.*

(e) *That the Petitioners be allowed to change the name of the said from ‘**Rohan Nikhil Devade**’ to “**Rohan Seksaria**”.*

24. The Judge’s Order is accepted and signed separately.

25. The Indian Adoption Petition is accordingly, disposed of. There shall be no orders as to costs.

[R.I. CHAGLA, J.]