

Sharada

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

INDIAN ADOPTION PETITION NO. 48 OF 2025

WITH

JUDGE'S ORDER NO. 66 OF 2025

IN

INDIAN ADOPTION PETITION NO. 48 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Smt. Lakshmi R.

...Prospective
Adoptive Parent

Ms. Sangeeta Nagpal Advocate, for the Petitioner.

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

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 Parent has sought adoption of the female minor Samruddhi (“**the said female minor**”) born on 06/01/2024. The

biological mother surrendered the said female minor before the Child Welfare Committee (CWC), Mumbai Suburban District on 16/01/2024 and child's custody was given to the Petitioner Institution on the same day as per the order of the CWC dated 16/01/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 ("the said Act"). The CWC Admission order is on record at page No.77 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared the said female minor ("Legally Free for Adoption") on 16/04/2024. The Free for Adoption Certificate is on record at Page Nos.74-75 to the Petition.

3. The Prospective Adoptive Parent is a single woman (widow) of Indian nationality residing at Thiruvananthapuram, Kerala, aged about 47 years. She was married to one Mr. R. Jayan on 14/01/1999 and who expired on 13/09/2019. The Death Certificate of Mr. R. Jayan husband is on record at page No.27 to the Petition.

4. The Motivation Letter from the Prospective Adoptive Parent is on record at page No.57 to the Petition.

5. Affidavit by the Chief Functionary of the Specialized

Adoption Agency (Petitioner) in support of the adoption of the said female minor is on record at page Nos.88-92 to the Petition.

6. The Minutes of Adoption Committee meeting held on 05/08/2024 is on record at page No.71 to the Petition. It states that she is physically, mentally and emotionally suitable to adopt a child. Her HIV & HbsAg test reports certify the case as Non-Reactive. These Reports are on record at page Nos.30-32 to the Petition.

7. The Prospective Adoptive parent is working as a Senior Clerk in the Office of the Additional Principal Chief Conservator of Forests (Administration), Forest Headquarters, Thiruvananthapuram since 23/05/2007 and her monthly (January-2025) gross salary is Rs.58,316/-. The Employment Certificate, Payslip of January 2025 and Income Tax Returns are on record at page Nos.37-41 to the Petition.

8. The copies of PAN card, Proof of Residence and supportive financial documents are on record at page Nos.24, 28-29 and 42-43 to the Petition.

9. The Childcare arrangement plan undertaken of the Prospective Adoptive parent's cousin sister is on record at page No.58

to the Petition.

10. The Home study report Part I : Self Assessment by the Prospective Adoptive Parent is on record at page Nos.44-50 to the Petition.

11. The Home Study Part II : Assessment Reports dated 01/10/2021 of the authorities of District Child Protection Officer, Thiruvananthapuram and the updated report of the Specialized Adoption Agency “Kerala State Council for Child Welfare”, Thiruvananthapuram dated 14/03/2025 have found the Prospective Adoptive parent suitable for adopting a child. The said Home Study Reports are on record at page Nos.51-55 to the Petition.

12. The child security undertaking dated 25/06/2025 given by the Prospective Adoptive parent’s cousin sister and her spouse, residing at Thiruvananthapuram, Kerela to look after the said female minor in case of any mishap to the Prospective Adoptive Parent is on record at page Nos.59-a to 59-b to the Petition.

13. The Joint Declaration of consent & Willingness to adopt by the Adoptive Parent states that they are willing to be appointed and declared as the Adoptive Parent of the said female minor. The said

Declaration is on record at page Nos.80-81 to the Petition.

14. The Medical Examination Report of the said female minor dated 05/07/2024 states, “Health status of the child is Normal and the overall observation of the child states that her mental and physical development is within normal limits”. The Prospective Adoptive Parent has countersigned the Medical Examination Report which is on record at page Nos.63-69 to the Petition.

15. The HIV test report of the said female minor dated 18/01/2024 certifies the case as Negative. This report is on record at page No.70 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.82 to the Petition.

16. The Pre-adoption foster care undertaking dated 05/08/2024 is on record at page Nos.78-79 to the Petition.

17. As regards the change of name, the Prospective Adoptive Parent desire that the said female minor ‘Samruddhi’ be renamed as “Rithika Lakshmi”.

18. The said female minor is placed with the Prospective Adoptive Parent for about 10 months. The first post-adoption follow up report of the said female minor dated 03/03/2025 of the

Specialized Adoption Agency “Kerela State Council for Child Welfare”, Thiruvananthapuram is on record at page Nos.85-87 to the Petition. It states that the Prospective Adoptive mother and the child are living in the best possible living conditions and her current residence is in a cottage (Govt. Quarters) near the mother’s close relatives. Additionally, the grandmother and the housemaid are also there to look after the baby. After all assessment, the Social Worker observed that the child has no specific health issues and she is deeply attached to both the family members at home and the relatives.

19. The undertaking dated 29/10/2024 given by the Specialized Adoption Agency “Kerala State Council for Child Welfare”, Thiruvananthapuram for furnishing post adoption follow-up reports is on record at page No.114 to the Petition.

20. 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 05/05/5025. However, the Petition 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 Regulation 2022.

21. Mr. O. Hareendran, Scrutiny Officer has tendered the Report / Representation from the Indian Council of Social Welfare (ICSW) dated 09/06/2025 which is taken on record and marked 'X' for identification.

22. Having considered the material on record as well as the Report of the Scrutiny Officer dated 03/06/2025 marked 'X', in my view, it would be in the interest of the said female minor child that she is adopted by the Proposed Adoptive Parent.

23. 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.”

24. Hence, it is clear that this Court can consider and dispose of the present Petition.

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

(a) *“For adoption of the Proposed female minor SAMRUDDHI @ RITHIKA LAKSHMI born on 6th January, 2024 by the Proposed Adopter under Juvenile Justice Act.*

(b) *For declaring the Proposed Adopter as Adoptive Parent/mother of the said minor and shall have all parents rights, privileges and responsibilities over the said minor RITHIKA LAKSHMI*

(c) *That the Proposed Adopter be granted permission to change the name of minor SAMRUDDHI to RITHIKA LAKSHMI*

(d) *That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor RITHIKA LAKSHMI , born on 6th January, 2024 and stating thereon that the Prospective Adoptive Parent as the Parent/mother of the said minor.*

(e) *That the Prospective Adoptive parent 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”.*

25. In the Judge’s Order there is an undertaking of the Adoptive Parent to invest an amount of Rs.2,00,000/- (Rupees Two Lakhs only) in the name of the Adopted Child. The Adoptive Parent also

undertake not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parent agree to handover the investment receipt to the Adopted Child on her becoming a major. These undertakings are accepted as undertaking to this Court.

26. The Judge's Order is also accepted and separately signed.
27. The Indian Adoption Petition is accordingly, disposed of.
28. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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