

Sharada

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

FOREIGN ADOPTION PETITION NO. 10 OF 2025

WITH

JUDGE'S ORDER NO. 67 OF 2025

IN

FOREIGN ADOPTION PETITION NO. 10 OF 2025

Maharashtra State Women's Council ..Petitioner
Adoption, Mumbai

And

Mr. Andrea Vintani ..Prospective Adoptive
Mrs. Mara Maragno Parents

Ms. Dimpal Sanjanwala Mehta, 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 Foreign Adoption Petition the Petitioner and the Prospective Adoptive Parents are seeking adoption of male minor Riyan

("the said male minor") born on 24/07/2023 The said male minor was admitted to Asha Sadan Children's Home, Mumbai on 14/08/2023. as per the order of the Child Welfare Committee (CWC), Mumbai City-II dated 14/08/2023 under the Provisions of Juvenile Justice (Care and Protection of Children) Act 2015, ('the said Act') for primary care and protection on 23/08/2023. The biological mother executed a Deed of Surrender before the said CWC and subsequently the said CWC transferred the said male minor to the Petitioner institution on the same day vide order dated 23/08/2023 for his further rehabilitation. The Safe Custody order of the CWC is on record at page Nos. 115-116 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mumbai City-II declared the said male minor "Legally Free for Adoption" as on 08/11/2023. The Free for Adoption Certificate is on record at page Nos.117-119 to the Petition.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 20/01/2025 to this adoption as per Adoption Regulations 2017 and Article 17 (c) of the Hague Convention on the Protection of the Children and Cooperation in respect of Inter-country Adoption 1993. The said No-objection Certificate is on record at page No.121 to the Petition.

3. The Affidavit by the Authorized Representative of the Specialized Adoption Agency (Petitioner) in support of adoption of the said male minor is on record at page Nos.108-114 to the Petition.
4. The Prospective Adoptive Parents are Italian Nationals, residing at Gallarate, Italy; both aged about 46 years having been married for the past 15 years (22/05/2010) and having no biological children.
5. The Prospective Adoptive Parents Passport copies and Joint photograph are on record at page Nos.41-53 & 107 to the Petition.
6. The Motivation Letter of the Prospective Adoptive Parents is on record at page No.20-22 to the Petition.
7. The Medical Report dated 18/11/2024 of the Prospective Adoptive Parents are on record and it states that “They enjoys good health and is not affected by any physical or psychic illnesses or infectious disease; furthermore, they do not use any drugs or psychoactive substances that may impair their suitability for national or international adoption”. Their HIV and HbsAg Test Reports certify the case as Non-Reactive. The said reports are on record at page Nos. 80-100 to the Petition.

8. The Prospective Adoptive father is working as a Senior Director -Executive Compensation and Board Advisory with the Company Willis Towers Watson Italy since 16/09/2024 and his annual salary is of EUR 375,000 plus bonuses. The Chartered Accountants Certificate, Employment/Income Certificate, Salary Slips and Income Tax Return 2021, 2022 & 2023 are on record at page Nos.237-251 to the Petition.

9. The Prospective Adoptive mother is a Pharmacist (Freelancer) and her income for the year 2023 was EUR 40,554. The Chartered Accountants Certificate along with Payment Invoices and Income Tax Returns for the years 2021, 2022 & 2023 from Italian Revenue Agency are on record at page Nos.271-283 to the Petition.

10. The Certificate of Residence and Declaration of Assets and Financial status and Statement of Accounts of Prospective Adoptive Parents are on record at page Nos. 56-61 & 214-215 to the Petition.

11. The Childcare Arrangement Letter of the Prospective Adoptive Parents is on record at page No.298 to the Petition.

12. The Home Study Reports dated 28/11/2022 and 26/02/2025 by the Authorities of “Centro Internazionale Per L’infanzia E La

Famiglia”, Italy are on record and the Reports have found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.169-182 to the Petition.

13. The Psychological Evaluation Report of Doctor Cinzia Riassetto, Psychologist CIFA ONLUS dated 29/11/2022 and the report has found the Prospective Adoptive Parents suitable for adoption of child from India. This report is on record at page Nos. 186-188 to the Petition.

14. The Permission of the Receiving Country as per Article 5/17 of the Hague Convention is on record at page Nos. 205-210 to the Petition.

15. The Child Security Undertaking dated 29/11/2024 of the Prospective Adoptive Parents friends residing at Gallarate, Italy to take the care of the said male minor in case of any unforeseen mishap to the Prospective Adoptive Parents is on record at Page Nos.301-302 to the Petition.

16. The Medical Examination Report of the said male minor dated 07/12/2023 states “Health Status: Special Needs. Overall Observation of the child: The child has (i) Delayed milestones due to motor dysfunction (ii) Congenital Heart Disease-ASD 3-5 mm with L to R

shunt (iii) Retrocerebellar Mega Cisterna Magna-may not be of clinical significance. The Prospective Adoptive Parents have countersigned this Report which is on record at page Nos.128-135 to the Petition.

17. The Medical Examination Report dated 05/04/2024 at Part E-Special Needs condition of child by the Department of Pediatrics Sir. J.J. Group of Hospitals, Mumbai is on record at page Nos.128-135 to the Petition. The Report confirms the status of the said male minor as Special Needs. The Prospective Adoptive Parents have countersigned the said report.

18. The H.I.V. Report of the said male minor dated 18/10/2023 certifies the case as Non-Reactive. This report is on record at page No. 150 to the Petition. The Post Card Size Photograph of the said male minor is on record at page No.151 to the Petition.

19. As regards the change of name, the Proposed Adopters desire that the said male minor 'Riyan' be renamed as "Riyan Vintani".

20. The Declaration of consent and undertaking of Proposed adopters is on record and it states that they are willing to adopt the said male minor. They further undertake that they will allow personal visits by the representatives of the Authorized Foreign Adoption Agency for

follow up of the progress of the child as required under the Adoption Regulations. The said Declaration is on record at page Nos.338-341 & 347 to the Petition.

21. The undertakings dated 25/02/2025 of the Authorized Foreign Adoption Agency (AFAA) “C.I.F.A. - International Centre for Children and Family”, Italy to provide follow-up report of the child and make alternative arrangement in case of disruption of the Adoptive family is on record at page Nos.344-345 to the Petition.

22. The copy of Power of Attorney dated 29/11/2024 duly executed by the Prospective Adoptive Parents in favour of the Petitioner institution is on record at page Nos. 351-354 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 Regulation 2022.

24. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare

(ICSW) dated 30/06/2025 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 marked 'X', in my view, it would be in the interest of the said male minor that he is adopted by the Proposed Adoptive Parents.

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 (f) of the Petition, which read thus:-

“(a) “This Hon’ble Court may be pleased to appoint the proposed adoptive parents as the parents of the male minor, Riyan now in the care of the Maharashtra State Women’s Council Adoption Group, Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai – 400 009,

(b) That the proposed adoptive parents be allowed to change the name of the minor, from ‘Riyan’ to ‘Riyan Vintani’

(c) That the proposed adoptive parents may be granted leave to remove the aforesaid child, Riyan @ Riyan Vintani from the jurisdiction of this Hon’ble Court and to take the minor out of India along with them, to their home i.e. wherever they may require him to,

(d) That the Petitioner be granted leave to apply to the concerned Municipal Authorities to issue a Birth Certificate of male minor ‘Riyan Vintani’ showing the names of the proposed adoptive parents as his parents,

(e) That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor ‘Riyan Vintani’ within five working days from the date of application of the Petitioner, as per the provisions of sub-regulation 15 of the Adoption Regulations 18 and regulation 36,

(f) The concerned Regional Passport Office may be directed to issue Passport for the said ‘Riyan Vintani’ within ten days from the date of application, as per sub-

regulation (4) of regulation 18 and regulation 38”,

29. It is directed that the Petitioner institution shall obtain a further undertaking from the Adoptive Parents that they shall not give the Adopted child for further adoption without the prior leave of this Court. Once this undertaking is obtained, the same shall be filed on the record of this Court.

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

31. The present Foreign Adoption Petition is accordingly disposed of.

32. There shall be no order as to costs.

[R.I. CHAGLA, J.]

Privacy warning : No part of this order shall be uploaded on any public domain or portal without this Court’s express permission.