

Sharada

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

INDIAN ADOPTION PETITION NO. 49 OF 2025

WITH

JUDGE'S ORDER NO. 68 OF 2025

IN

INDIAN ADOPTION PETITION NO. 49 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Mr. G. Kannan and
Mrs. Jhansi Devi Kannan

...Prospective
Adoptive Parents

Ms. Sangeeta Nagpal 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 Petitioner and the Prospective Adoptive Parents have sought adoption of the female minor Prachi (“**the said female minor**”) born on 21/02/2024. The

biological mother surrendered her child before the Child Welfare Committee (CWC), Mumbai Suburban District on 14/03/2024 and child's custody was given to the Petitioner Institution Vatsalya Trust, Mumbai on the same day as per the order of the said CWC dated 14/03/2024 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.98 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 28/05/2024. The Free for Adoption Certificate is on record at Page Nos.95-96 to the Petition.

3. The Prospective Adoptive Parents are Indian nationals residing at Hyderabad, Telangana, aged about 42 and 41 years respectively. They have been married for the past 13 years (15/09/2011) with one biological son aged about 10 years. His Birth Certificate, Medical Fitness Certificate and consent letter are on record at page Nos.27, 36 and 78 to the Petition.

4. The Motivation Letter from the Prospective Adoptive Parents is on record at page No.77 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.105-109 to the Petition.

6. The Minutes of Adoption Committee meeting held on 09/10/2024 is on record at page No.92 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said female minor.

7. The Medical Report of the Prospective Adoptive Parents dated 21/09/2025 states that they are not suffering with any chronic, contagious or fatal disease and are fit to adopt a child. Their HIV and HbsAg test reports certify the case as Non-Reactive. These reports are on record at page Nos.33-35 to the Petition.

8. The Prospective Adoptive father is working as a Senior Sound Mix Engineer (contract basis) with Annapurna Studios Private Limited, Hyderabad since 2020 and his monthly consolidated pay is Rs.2,52,000/- plus 18% GST. His Employment and Income Certificate and Income Tax returns are on record at page Nos.39-42 to the Petition. The Prospective Adoptive mother is a Homemaker.

9. The copies of Pan Cards and Proof of Residence and

supportive financial documents are on record at page Nos.24, 26, 37-38 and 43-45 to the Petition.

10. The Home study report Part I : Self Assessment by the Prospective Adoptive Parents is on record at page Nos.46-53 and 60-68 to the Petition.

11. The Home Study report Part II : Assessment Reports dated 01/03/2021 and 15/01/2024 of the District Welfare Officer, Woman, Child, Disabled & Senior Citizen Department, Rangareddy District, Telangana, have found the Prospective Adoptive Parents suitable for adopting a child. The said Home Study Reports are on record at page Nos.54-59 & 69-75 to the Petition.

12. The child security undertaking dated 16/01/2025 given by the Prospective Adoptive mother's sister and brother-in-law residing at Mulund, Mumbai to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos.79-80 to the Petition.

13. The Joint Declaration of consent and willingness to adopt by the Prospective Adoptive Parents states that they are willing to be appointed and declared as the Prospective Adoptive Parents of the said female minor. The said Declaration is on record at page No.101

to the Petition.

14. The Medical Examination Report of the said female minor dated 09/09/2024 states, “Health status of the child is Normal and her overall mental and physical development is within normal limits”. The Prospective Adoptive Parents have countersigned the Medical Examination Report which is on record at page Nos.84-90 to the Petition.

15. The HIV test report of the said female minor dated 16/05/2024 certifies the case as Negative. This report is on record at page No.91 to the Petition. The Post Card Size Photograph of the said female minor is on record at page No.102 to the Petition.

16. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor ‘Prachi’ be renamed as “Harini Kannan”.

17. The Pre-adoption foster care undertaking dated 23/09/2024 is on record at page Nos.99-100 to the Petition.

18. The said female minor had been placed with the Prospective Adoptive Parents for more than 10 months. The first post-adoption follow up report of the said female minor dated

26/03/2025 of the authorities of Woman, Child, Disabled & Senior Citizen Department, Govt. of Telangana is on record at page Nos.104-a to 104-e to the Petition. It states that the vaccination schedule for the said female minor is being followed by the parents from time to time. The said female minor is very much attached to parents, brother and grandparent. After all assessment, the Protection Officer has observed that the said female minor is physically healthy and mentally stable. The said female minor seemed very happy and had developed a good bonding with parents and other family members.

19. The undertaking dated 10/01/2025 given by the authorities of Government of Telangana, Women, Child, Disabled & Senior Citizen Department, Rangareddy District for furnishing post adoption follow-up reports is on record at page No.104 to the Petition.

20. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 30/09/2025.

21. Mr. O. Hareendran, Scrutiny Officer has tendered the Report / Representation from the Indian Council of Social Welfare (ICSW) dated 02/07/2025 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 02/07/2025 marked 'X', in my view, it would be in the interest of the said female minor child that she is adopted by the Proposed Adopters.

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

1 Writ Petition No.1085/2023 (Writ Petition (L) No.32065/2022)

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 male minor PRACHI @ HARINI KANNAN born on 21st February 2024 by the Proposed Adopters under Juvenile Justice Act

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor PRACHI KANNAN

(C) That the Proposed Adopters be granted permission to change the name of minor PRACHI HARINI KANNAN

(d) That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor HARINI KANNAN, born on 21st February 2024 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(e) That the Prospective Adoptive Parents 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.

26. In the Judge's Order there is an undertaking of the Adoptive Parents to invest an amount of Rs.2,00,000/- (Rupees Two Lakhs only) in the name of the Adopted Child. The Adoptive Parents also undertake not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parents agree to handover the investment receipt to the Adopted Child on her becoming a major.

These undertakings are accepted as undertaking to this Court.

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

[R.I. CHAGLA, J.]

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