

Sharada

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

INDIAN ADOPTION PETITION NO. 53 OF 2025

WITH

JUDGE'S ORDER NO. 75 OF 2025

IN

INDIAN ADOPTION PETITION NO. 53 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

And

Ms. Surekha Gupta

...Prospective
Adoptive Parent

Ms. Aarti P. Kulkarni for the Petitioner.

Mr. O.H. 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 Parent have sought adoption of the male minor

Rudransh, (**“the said male minor”**) born on 11/05/2024. The biological mother surrendered the child before the Child Welfare Committee (CWC), Mumbai Suburban District on 21/05/2024 and the child’s safe custody was given to the Petitioner institution on the same day as per the order of the said CWC dated 21/05/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (**“the said Act”**). The Admission Order of the CWC is on record at page No.21 to the Petition.

2. After making due inquiry under Section 38 of the said Act, the CWC, Mankhurd, Dist. Mumbai declared the said male minor **“Legally Free for Adoption”** on 22/08/2024. The Free for Adoption Certificate is on record at page Nos.23-24 to the Petition.

3. The Prospective Adoptive Parent is a single woman (Divorcee), Indian national, residing at Mulund, Mumbai aged about 45 years. She was married earlier on 19/06/2006 and divorced on 01/11/2012 and has no issues from this marriage. The Divorce Decree is on record at page Nos. 26-30 to the Petition.

4. The Motivation Letter from the Prospective Adoptive Parent is on record at page No.34 to the Petition.

5. The Minutes of Adoption Committee Meeting held on 13/02/2025 is on record at page Nos.19-20 to the Petition. It states that the Prospective Adoptive Parent is suitable to adopt the said male minor.

6. Affidavit by the Chief Functionary of the Specialized Adoption Agency (Petitioner) in support of the adoption of the said male minor is on record at page Nos.97-102 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 20/12/2024 is on record at page No.20 to the Petition. It states that the Prospective Adoptive Parent is suitable to adopt the said male minor.

8. The Medical Report dated 25/11/2024 of the Prospective Adoptive Parent is on record and it states, "She is physically and mentally fit and not suffering from any infectious or fatal disease. She is fit to adopt". Her HIV and HbsAg Test report certifies the case as Non-Reactive. These reports are on record at page Nos.31-33 to the Petition.

9. The Prospective Adoptive Parent is working as an Associate Consultant with Tata Consultancy Services, Mumbai since 2008 and

her monthly (November-2024) gross salary is Rs.1,00,738/-. Her Employment Certificate, Income Tax Returns and Pay slip are on record at page Nos.47-51 to the Petition.

10. The copies of Pan Card, Proof of Residence and supportive financial documents are on record at page Nos.35-36 & 51A-57 to the Petition.

11. The Childcare plan declarations of the Prospective Adoptive Parent's mother is on record at page Nos.93-96 to the Petition.

12. The Home Study Report Part I: Self Assessment by the Prospective Adoptive Parent is on record at page Nos.125-132 to the Petition.

13. The Home Study Part II : Self Assessment Reports dated 08/12/2021 and 13/12/2024 of the Specialized Adoption Agency "Vatsalya Trust", Kanjurmarg, Mumbai have found the Prospective Adoptive Parent suitable for adopting a child. The said Reports are on record at page Nos.67-71 & 71-A to 71-N to the Petition.

14. The child security undertaking dated 18/12/2024 of the Prospective Adoptive Parent's sister and brother-in-law residing at

Mulund, Mumbai to look after the said male minor in case of any mishap to the Prospective Adoptive Parent is on record at page Nos.76-79 to the Petition.

15. The Medical Examination Report of the said male minor dated 22/11/2024 states, "Health status of the child: Normal. Overall observation of the child: Child's development is a dynamic process and may show variation with time. At present his overall development is within normal limits". The Prospective Adoptive Parent has countersigned the said Report which is on record at page Nos.83-89 to the Petition.

16. The HIV Test Report of the said male minor dated 23/05/2024 certifies the case as Negative. This report is on record at page No.91 to the Petition.

17. The Photograph of the said male minor is on record at page No.92 to the Petition.

18. The Declaration of consent and undertaking by the Prospective Adoptive Parent is on record and it states that she is willing to be appointed and declared as the adoptive parent of the said male minor. The said Declaration is on record at page Nos.38-40

to the Petition.

19. As regards the change of name, the Prospective Adoptive Parent desires that the said male minor “Rudransh” be renamed as “Dhruv Gupta”.

20. The Pre-adoption foster care undertaking dated 19/02/2025 is on record at page Nos.41-46 to the Petition.

21. The said male minor had been placed with the Prospective Adoptive Parent for about 7 months. The first post-adoption follow-up report of the said male minor dated 23/06/2025 of the Specialized Adoption Agency “Vatsalya Trust” Mumbai is on record at page Nos.105-A to 105C to the Petition. It states that the said male minor is a healthy and active child and he is attached with all the family members. Since the Prospective Adoptive mother is a single working woman, her mother is taking care of the said male minor with the help of her house maid. Overall, the social worker observed that the said male minor is adjusted very well with the adoptive family and he is growing well.

22. The undertaking dated 21/08/2025 given by the Specialized Adoption Agency “Vatsalya Trust”, Kanjurmarg, Mumbai

for furnishing post adoption follow-up reports is on record at page No.105 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 upto 30/09/2025.

24. Mr. O. Hareendran, Scrutiny Officer has tendered Report / Representation from the Indian Council of Social Welfare (ICSW) dated 24/07/2025 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 dated 24/07/2025 marked 'X', in my view, it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

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

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

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

(a) *“That the Prospective Adoptive Parent be given the said child in Adoption and be declared as parents and have all parental legal rights, Privileges and responsibilities over the said minor.*

(b) *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.*

(c) *That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Dhruv Gupta born on 11/05/2024 and stating that thereon that the Prospective Adoptive Parent as the Parent of the said minor.*

(d) *That the Prospective Adoptive Parent be allowed to change the name of the minor from Rudransh to “Dhruv Gupta” born on 11/05/2024”.*

29. In the Judge's Order there is an undertaking of the Adoptive Parent to invest an amount of Rs.1,00,000/- (Rupees One Lakh only) in the Adopted Child's name. She also undertake not to withdraw this investment till the Adopted Child attains majority. She has agreed to handover the investment receipt to the Proposed Adoptor on his becoming a major. These undertakings are accepted as undertakings to this Court.

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

31. The Indian Adoption Petition is accordingly disposed of.

32. There shall be no orders as to costs.

[R.I. CHAGLA, J.]

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