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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.62 OF 2025
WITH
JUDGE'S ORDER NO.91 OF 2025

St.Catherine's Home, Mumbai

...Petitioner

Versus

Mr.Vikas Namdev Kale and Mrs.Jyoti Vikas
Kale

...Proposed
Adopters

Mr.Rakesh K.L.Kapoor i/b M/s.Rakesh K.L.Kapoor and Co., for the
Petitioner.

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

Mr. D.S. Gurav, Chamber Registrar is present.

CORAM : FIRDOSH P. POONIWALLA, J.
DATE : 26th SEPTEMBER, 2025.

ORDER :

1. By this Indian Adoption Petition, the Petitioner and the
Proposed Adoptive Parents have sought adoption of the male minor
Vihan Vikas Kale ("the said male minor") born on 28th November
2024.

2. The biological mother surrendered the said male minor

before the Child Welfare Committee (CWC), Mumbai Suburban-II on 04/12/2024 and the said minor's safe custody was given to the Petitioner Institution on the same day as per the order of the said CWC dated 04/12/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order of the CWC is on record at page No. 22 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016), the Child Welfare Committee, Mumbai Suburban-II declared the male minor "Legally Free for Adoption" on 07/02/2025. The Free for adoption order is on record at page No. 21 to the Petition.

4. The Prospective Adoptive parents are Indian nationals, residing at Ahilyanagar, Maharashtra aged about 43 and 39 years respectively. They have been married for the past 16 years (06/05/2009) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 31 to the Petition.

6. The Minutes of Adoption Committee Meeting held on

19/03/2025 is on record at page Nos. 19-20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

7. 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. 110-114 to the Petition.

8. The Medical report of the prospective adoptive parents dated 28/03/2025 is on record and it states that they are physically and mentally fit to adopt a child. Their HIV I & II and Hepatitis B test reports certify the case as Non-Reactive. These reports can be found at page Nos. 26-30 to the Petition.

9. The Prospective Adoptive father is working as an Assistant Police Inspector with Maharashtra Police since 26/07/2006 and presently posted at Sangamner, Ahilyanagar and his monthly (February-2025) gross salary is Rs. 1,03,685/-. His Pay Slips and Form No. 16 are on record at page Nos. 49-55 to the Petition. The Prospective Adoptive mother is a Homemaker.

10. The Proof of Residence, Aadhar and Pan Cards copies

and other supportive financial documents are on record at page Nos. 32-42 & 56-63 to the Petition.

11. The Home study report Part I: Self-Assessment by the Prospective Adoptive Parents is on record at page Nos. 64-72 to the Petition.

12. The Home Study Report Part II: Assessment report dated 17/12/2023 of the social worker of Specialized Adoption Agency “Worldchildren Welfare Trust India” Bal Anand, Mumbai has found the prospective adoptive parents suitable for adopting a child. The said report is on record at page Nos. 73-81 to the Petition.

13. The child security undertaking dated 26/03/2025 given by the Prospective Adoptive mother’s brother and sister-in-law residing at Pune to look after the said male minor in case of any mishap to the Prospective Adoptive Parents is on record at page Nos. 91-93 to the Petition.

14. The Medical Examination Report of the said male minor dated 17/03/2025 is on record at page Nos. 98-106 to the Petition and it states, 'Health Status: Normal. Overall Observation of the

child: Vihan at the age of 3 months is growing well physically and neurologically. He has achieved most of the milestones expected for his age”. The prospective adoptive parents have countersigned the said Medical Examination Report.

15. The HIV test report of the said male minor dated 08/01/2025 certifies the case as Negative. This report is on record at page No. 108 to the Petition. The Post Card Size Photograph of the said male minor is at page No. 109 to the Petition.

16. The Declaration of consent, willingness and undertaking by the prospective adoptive parents is on record and it states that they are willing to be appointed and declared as the adoptive parents of the said male minor. This Declaration is at page Nos. 43-45 to the Petition.

17. The Pre-adoption foster care undertaking dated 26/03/2025 is on record at page Nos. 46-48 to the Petition.

18. As regards the change of name, the prospective adoptive parents desire that the male minor ‘Vihan’ be renamed as “Vihan Vikas Kale”.

19. The undertaking dated 27/03/2025 given by the Specialized Adoption Agency “Snehankur Adoption Center”, Ahmednagar, Maharashtra for furnishing post adoption follow-up reports is on record at page No. 115 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 up to 30/09/2025.

21. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 21st September 2025 which is taken on record and marked ‘X’ for identification.

22. Having considered the material on record as well as the Representation of the Scrutiny Officer marked ‘X’ for identification, I am of the view that it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

23. It is relevant to note here that in the case of ***Nisha Pradeep Pandya @ 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, a Division Bench of this Court passed an interim order dated 10th January, 2023. The relevant portion of the said order of the 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

¹ W.P.(L) No.32065 of 2022

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

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

(b) That the Prospective Adoptive Parents may be granted leave to remove the said minor Vihan Vikas Kale 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 male minor Vihan Vikas Kale, born on 28/11/2024 and stating that thereon that the Prospective Adoptive Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to Change the name of the minor from ‘Vihan’ to “Vihan Vikas Kale”.

26. There is an undertaking of the Adoptive Parents in the

Judge's Order to invest Rs.2 lakhs in the name of the Adopted Child. They undertake not to withdraw this investment till the Adopted Child attains majority. The Adoptive Parents agree to handover the investment receipts to the Adopted Child on his becoming a major. These undertakings are accepted as undertakings to this Court.

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

28. Indian Adoption Petition is accordingly disposed of. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

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