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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.66 OF 2025
WITH
JUDGE'S ORDER NO.95 OF 2025

Vatsalya Trust, Mumbai

...Petitioner

Versus

Mr.Sainath Sudhakar Hotkar and
Mrs.Sangita Sainath Hotkar

...Proposed
Adopters

Ms.Aarti Kulkarni, Advocate 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 Advesh @ Ganesh Sainath Hotkar ("the said male minor") born on 19th January 2024.

2. The male minor Advesh, born on 19/01/2024 was admitted to the Petitioner institution on 24/01/2024 as per the

order of the Child Welfare Committee (CWC), Mumbai Suburban-I dated 24/01/2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. Subsequently, on 25/01/2024 biological mother executed a Deed of Surrender before the said CWC for the said minor's future rehabilitation. The admission order of the CWC is on record at page No.21 to the Petition.

3. After making due inquiry under section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee, Mankhurd, Dist. Mumbai declared the said male minor "Legally Free for Adoption" on 07/05/2024. The Free for adoption Certificate is on record at page Nos. 23-24 to the Petition.

4. The Prospective Adoptive Parents are Indian nationals, residing at Nanded, Maharashtra aged about 38 and 36 years respectively. They have been married for the past 14 years (26/06/2011) with no biological children.

5. The Motivation Letter from the Prospective Adoptive Parents is on record at page No. 37 to the Petition.

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. 87-92 to the Petition.

7. The Minutes of Adoption Committee Meeting held on 29/01/2025 is on record at page No. 20 to the Petition. It states that the Prospective Adoptive Parents are suitable to adopt the said male minor.

8. The Medical report dated 09/01/2025 of the prospective adoptive parents is on record at page Nos. 30-36 to the Petition and it states that both are fit to adopt child and no health issue at present. Their HIV and HBsAg Test reports certify the case as Non-Reactive.

9. The prospective adoptive father is a Farmer and his income for the financial year 2024-25 is Rs. 5,00,000/-. The Income Certificate dated 08/08/2025 of the Tahsildar Office, Naigaon, Dist. Nanded is on record at page Nos. 45-46 to the Petition.

10. The prospective adoptive mother is a Homemaker. The copies of Pan Card, Proof of Residence and supportive financial

documents are on record at page Nos. 38-40 & 47-50 to the Petition.

11. The home study report Part I: Self-Assessment Reports by the Prospective Adoptive Parents is on record at page Nos. 51-58 to the Petition.

12. The Home Study Report Part II Assessment Report dated 31/03/2024 of the Specialized Adoption Agency “Smt. Narsabai Mahila Mandal Wadgaon Shishugrah Nanded”, Maharashtra has found the prospective adoptive parents suitable for adopting a child. The said report is on record at page Nos. 59-63 to the Petition.

13. The child security undertaking dated 16/01/2025 of the prospective adoptive father’s sister and brother-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. 69-72 to the Petition.

14. The Medical Examination Report of the said male minor dated 06/01/2025 is on record and it states “Health status of the child: Normal. Overall observation of the child: His development is a

dynamic process and may show variation with time. At present his overall mental and physical development is within normal limits”.

15. The prospective adoptive parents have countersigned the said report, which is on record at page Nos. 76-83 to the Petition.

16. The HIV report of the said male minor dated 26/12/2024 certifies the case as Negative. This report is on record at page No.85 to the Petition.

17. The Photograph of the said male minor is on record at page No. 86 to the Petition.

18. The Declaration of consent 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. The said Declaration is on record at page Nos. 41-42 to the Petition.

19. As regards the change of name, the prospective adoptive parents desire that the said male minor ‘Advash’ be renamed as

“Ganesh Sainath Hotkar”.

20. The pre-adoption foster care undertaking dated 16/01/2025 is on record at page Nos. 43-44 to the Petition. The Undertaking dated 10/01/2025 given by the Specialized Adoption Agency “Smt. Narsabai Mahila Mandal Wadgaon Shishugrah Nanded”, Dist. Nanded, Maharashtra for furnishing post adoption follow-up reports is also on record at page No.95 to the Petition.

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

22. Mr. O. Hareendran, the Scrutiny Officer, has tendered the Representation of the Indian Council of Social Welfare dated 4th September 2025 which is taken on record and marked ‘X’ for identification.

23. 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.

24. 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.

¹ W.P.(L) No.32065 of 2022

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.”*

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

26. 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 in Adoption and be declared as parents and has 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 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 Ganesh Sainath Hotkar, born on 19/01/2024 and stating thereon that the Prospective Adoptive

Parents are the Parents of the said minor.

(d) That the Prospective Adoptive Parent be allowed to Change the name of the minor from ‘Advash’ to Ganesh Sainath Hotkar,

born on 19/01/2024.”

27. There is an undertaking of the Adoptive Parents in the Judge’s Order to invest Rs.1.50 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.

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

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

[FIRDOSH P. POONIWALLA, J.]

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