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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
JUDGE'S ORDER NO. 4 OF 2026
IN
FOREIGN ADOPTION PETITION NO. 2 OF 2026

Vatsalya Trust, Mumbai

Plot No. 1285, Near Kanjur Marg Police Station,

Kanjur Marg (E), Mumbai 400 042, Maharashtra

Through: Nanda Shashikant Sangode, Social Worker ... **Petitioner**

And

1. Jean Markose, Indian Citizen,
aged 43 years, Permanently residing at
“OM”, Chenthapore, Thrikkovil Vattom,
Decent Junction, P. O. Kollam, Kerala, India,
Pincode: 691577 and
Present Address at Flat No. 2203, Dubai Jewel Tower,
AI Sufouh, Dubai, United Arab Emirates.
2. Maya Kartha Sukumarakartha,
Indian Citizen, aged 45 years, wife of
Mr. Jean Markose, residing at
“OM”, Chenthapore, Thrikkovil Vattom,
Decent Junction, P. O. Kollam, Kerala, India,
Pincode: 691577 and

Present Address at Flat No. 2203, Dubai Jewel Tower,
AI Sufouh, Dubai, United Arab Emirates.

... **Proposed Adopters**

Ms. Aarti Kulkarni for Petitioner.

Mr. O. Hareendran – Scrutiny Officer-ICSW present.

Mr. Dilip S. Gurav, Chamber Registrar present.

CORAM : FARHAN P. DUBASH, J.

DATE : 14th JANUARY 2026

ORDER:

1. By this Foreign Adoption Petition, the Petitioner Institution and the Proposed Adoptive Parents ("**PAPs**") have sought adoption of the female minor Aishwarya ("**the said female minor**") born on or about 30th May 2024. The said female minor was surrendered by her biological mother before the Child Welfare Committee ("**CWC**") Mumbai Suburban-I, on 4th June 2024 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Admission Order of the CWC is on record at Exhibit A-1 to the Petition.

2. After making the due inquiry under section 38 of the said Act, the CWC, Mankhurd Dist. Mumbai, declared the said female minor "Legally Free for Adoption" on 29th August 2024. The Free for Adoption Certificate is on record at Exhibit A to the Petition.

3. The Central Adoption Resource Authority (**"CARA"**), New Delhi has issued its No Objection Certificate 4th February 2025 to this adoption as per Adoption Regulations 2022 and Article 17 (c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption 1993. The said No-Objection Certificate is on record at Exhibit B to the Petition.

4. The undertaking/affidavit of the Petitioner Institution is on record at Exhibit M to the Petition.

5. The PAPs are Indian Nationals, permanent resident of Kollam, Kerala, India and presently residing at Dubai, UAE aged about 43 and 45 years respectively. They have been married for the past 17 years with no biological children. The Marriage Certificate of PAPs is on record at Exhibit C-3 to the Petition.

6. The PAP's Joint Family Photograph and copies of the Passports are on record at Exhibits C, C-1 and C-2 to the Petition.

7. The Motivation Letter of the PAPs is on record at Exhibit C-4 to the Petition.

8. The Medical Report dated 30th January 2025 of the PAPs is on record and states that both are unknown to have any chronic diseases nor is under regular medications. On examination they are found to be generally good with normal vital signs. Their HIV and HBsAg Test Reports certify the case as non-reactive. These reports are at Exhibit C-5 to the Petition.

9. The Prospective Adoptive Father is working as a Senior Presenter with DH Entertainment Corporate LLC, Dubai since 1st May 2004 and his monthly salary is AED 22,000 (Rs.5,28,000/-) inclusive of all allowances. His Employment/Salary Certificate is on record at Exhibit D to the Petition.

10. The Prospective Adoptive Mother is working as a Deputy Content Director with DH Entertainment Corporate LLC, Dubai since 20th May 2004 and his monthly salary is AED 24,500 (Rs.5,88,000/-) inclusive of all allowances. Her Employment/Salary Certificate is on record at Exhibit D-1 to the Petition.

11. The Financial Declaration, Supportive financial documents and Proof of Residence are on record at Exhibits D-2 and D-3 to the Petition.

12. The Child Care Arrangement undertaking of the PAPs is on record at Exhibit D-4 to the Petition.

13. The Home study report Part I Self Assessment of the PAPs is on record at Exhibit E to the Petition.

14. The Home study report dated 7th November 2020 and 10th March 2024 of the Authorized Foreign Adoption Agency (“**AFAA**”) Mrs. Omana Menon, Social Worker, Dubai, U.A.E has found the PAPs suitable to adopt a child. The said home study reports are at Exhibit E-1 to the Petition.

15. The Report of Psychological Evaluation of the PAPs dated 9th February 2024 by the authorities of “Better Life Clinic L.L.C” Dubai is on record at Exhibit E-4 to the Petition and it states that the PAPs seem to share a stable relationship which is conducive of bringing up a child. After all assessment/observation by the Clinical Psychologist and test results the PAPs do not show any psycho pathology.

16. The Letter of AFFA, Mrs. Omana Menon, Social Worker, Dubai, U.A.E regarding Permissions of the Receiving Country as per Article 5/17 of the Hague Convention is on record at Exhibit F to the Petition.

17. The Child Security undertaking dated 26th December 2024 given by the Prospective Adoptive father’s younger brother and sister-in-law residing

at Dubai, U.A.E to look after the said female minor in case of any mishap to the PAPs is on record at Exhibit H to the Petition.

18. The Criminal Clearance Certificate of the PAP's and Reference/Recommendation Letters from acquaintances in support of this adoption are on record at Exhibits G and G-1 to the Petition.

19. The Medical Examination Report of the said female minor dated 22nd November 2024 states that "Health Status: Normal. Overall Observation of the Child: Child's development is a dynamic process and may show variation with time. At present her overall development is within normal limits." The PAPs have countersigned these Reports and is on record at Exhibit I-1 to the Petition.

20. The H.I.V Report of the said female minor dated 7th November 2024 certifies the case as Negative. This report is on record at Exhibit I-3 to the Petition. The Post Card size photograph of the said female minor is on record at Exhibit I-4 to the Petition.

21. As regards the change of name, the PAPs desire that the female minor "Aishwarya" be renamed as "Netra Mary Jean". The Affidavit for the same is on record at Exhibit I-2 to the Petition.

22. The consent, willingness and undertaking of the PAPs are on record and it states that they are willing to adopt the said female minor Aishwarya born on 30th May 2024. They further undertake that they will allow personal visits by the representative of AFFA during post adoption follow up. The said declaration is on record at Exhibits E-1 and J to the Petition.

23. The undertaking dated 21st December 2020 of the AFFA Mrs. Omana Menon, Social Worker, Dubai, U.A.E to provide follow-up reports of the said female minor and make alternative arrangements in case of disruption of the adoptive family is on record at Exhibit K to the Petition.

24. The Power of Attorney dated 26th December 2024 duly executed the PAPs in favour of the Petitioner institution is on record at Exhibit O to the Petition.

25. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid up to 30th September 2025. However, the Petitioner institution has applied for renewal and in the interregnum has filed this adoption petition under the Regulations 25 (4) & 25 (5) of the Adoption Regulations, 2022.

26. Mr. O Hareendran, Scrutiny Officer has tendered Report/Representation of Indian Council of Social Welfare dated 7th January 2026, which is taken on record and marked "X" for identification.

27. All requirements are satisfied as per Section 59 of the Juvenile Justice (Care and Protection of Children) Act, 2015, Regulations listed therein Chapter IV and Regulation 58 of the Adoption Regulations, 2022.

28. 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. 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.

¹ 2023 SCC OnLine Bom 9.0

(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."

29. It is also relevant to note here that in the case of **Bal Asha Trust and Ms. Isabella SCHWAB**², a single bench of this Court on 27 November 2024, passed an Interim Order, affirming the same position.

30. Moreover, Regulation 25(4) and (5) of the Adoption Regulations, 2022 state that-

“(4) In case the Specialised Adoption Agency has applied for recognition or renewal with the State Government and the provisional registration certificate has not been issued by the State Government within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional recognition to run the agency for a maximum period of six months.

(5) In case the renewal of recognition of a Specialised Adoption Agency is pending, all the pending adoption cases shall be allowed to proceed subject to all other provisions of these regulations being fulfilled.”

² Foreign Adoption Petition No. 28/2024 (FA/28/2024)

31. The proof of receipt of application is yet to be taken on record by this Court; however, the Scrutiny Officer has verbally attested to the application of renewal being filed and states that he will produce it and place it on file of this matter at the earliest.

32. Hence it is well settled that this Court can consider and dispose of the present Petition.

33. Having considered the material on record as well as the Report of Mr. O. Hareendran, Scrutiny Officer marked X, I am of the view that it would be in the interest of the said female minor that she is adopted by the PAPs.

34. In these circumstances, the Petition is allowed in terms of prayer clauses (a) to (e) of the petition, which read thus: -

(a) For the Adoption of the said minor Netra Mary Jean, born on 30/05/2024 by the proposed adopter under Section 59 (7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor Netra Mary Jean and having all parental rights, privileges and responsibilities over the said minor, now in the care and custody of the Petitioner institution Vatsalya Trust, Mumbai, Plot No. 1285, Nr. Kanjur Marg Police Station, Kanjur Marg (E), Mumbai-400042, Maharashtra.

(c) That the proposed adopter be allowed to change the name of the said female minor 'Aishwarya' to "Netra Mary Jean".

(d) Leave/permission be granted to apply the concerned Municipal Authorities to issue Birth Certificate of the said female minor Netra Mary Jean born on 30/05/2024 and stating thereon the Proposed Adopters as Parents of the said female minor.

(e) That the Proposed Adopters may be granted leave to remove the said female minor Netra Mary Jean from the jurisdiction of this Hon'ble Court and to take the said minor to U.A.E or wherever they may reside.

35. Judge's Order is accepted and signed separately.

36. It is directed that the Petitioner will obtain further undertakings from the PAPs that they will not give the said female minor 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.

37. The Foreign Adoption Petition is accordingly disposed of. There shall be no order as to costs.

(FARHAN P. DUBASH, J.)