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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. 3 OF 2026**

St. Catherine's Home, part of
St. Catherine's Society at Veera Desai Road,
Andheri (West), Mumbai – 400 058
through its Superintendent/Authorized
Signatory Sister Rosemaria Francis Vadakken ... **Petitioner**

And

Ankush Purushottam Kurhadkar,
aged 36 years, Occupation: Service

And

Papiya Ankush Kurhadkar,
aged 38 years, Occupation: House Wife,

Both Indian Nationals, residing at Illur Road,
Near Damber Plant, Ward No. 2, Post Ashti,
Tal. Chamorshi, Dist. Gadchiroli,
Maharashtra – 442 707.

... **Prospective Adoptive Parents**

Mr. Rakesh K. L. Kapoor 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 Indian Adoption Petition, the Petitioner Institution and the Proposed Adoptive Parents (**"PAPs"**) have sought adoption of a female minor named Laxmi (**"the said female minor"**) born on or about 24th November 2022. The said female minor is stated to have been surrendered by her biological mother before the Child Welfare Committee Mumbai Suburban-I, (**"CWC"**) on 2nd December 2022 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 B-1 to the Petition.

2. After making the due inquiry under Section 38 of the said Act, the CWC, declared the said female minor "Legally Free for Adoption" on 2nd February 2023. The Free for Adoption Certificate is on record at Exhibit B to the Petition.

3. The PAPs are Indian Nationals and permanent residents of Gadchiroli, Maharashtra, India aged about 36 and 38 years respectively. They are stated to have been married for the past 11 years with no biological children.

4. Copies of the Aadhar Cards of the PAPs are on record at Exhibit D to the Petition.
5. The Motivation Letter of the PAPs is on record at Exhibit C-3 to the Petition.
6. The Medical Report dated 23rd September 2025 of the PAPs is on record and states that both are not known 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-2 to the Petition.
7. The Prospective Adoptive Father is working as a welder in “Denny Fabrication” since the past two years and his yearly salary is stated to be Rs.1,92,000/- inclusive of all allowances. His Employment/Salary Certificate is on record at Exhibit G to the Petition.
8. The Prospective Adoptive Mother is working as a homemaker.
9. The Financial Declaration, Supportive financial documents and Proof of Residence are on record at Exhibit G-1 to the Petition.
10. The Child Care Arrangement undertaking of the PAPs is on record at Exhibit E to the Petition.

11. The Home Study Reports dated 13th December 2019 and 13th December 2022 of the Child Adoption Resource Information and Guidance System (“**CARINGS**”) – Mr. Sathish Kumar Chauhan, Social Worker, has found the PAPs suitable to adopt a child. The said Home Study Reports of the PAPs are on record at Exhibit H and H-1 to the Petition.

12. The Child Security Undertaking dated 25th June 2025 given by the Prospective Adoptive Parent’s cousin and sister-in-law residing at Gadchiroli, Maharashtra to look after the said female minor in case of any mishap to the PAPs is on record at Exhibit K to the Petition.

13. The Reference/Recommendation Letters from acquaintances in support of this adoption are on record at Exhibit I to the Petition.

14. The Medical Examination Report of the said female minor dated 31st August 2023/9th March 2023 states that "Health Status: Normal. Overall Observation of the Child: At present, Laxmi has achieved most of the milestones expected for her age” The PAPs have countersigned these Reports.

15. The H.I.V Report of the said female minor dated 12th December 2022 certifies the case as Negative. This report is on record at Exhibit L-3 to the Petition. The Post Card size photograph of the said female minor is on record at Exhibit L-4 to the Petition.

16. As regards the change of name, the PAPs desire that the female minor named "Laxmi" be renamed as "Laxmi Ankush Kurhadkar".

17. The consent, willingness and undertaking of the PAPs are on record and it states that they are willing to adopt the said female minor, Laxmi born on 24th November 2022.

18. The Undertaking dated 27th October 2025 of the SAA Vishesh Dattak Sanstha Gadchiroli, Maharashtra 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 N to the Petition.

19. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State to place children in adoption is no longer valid. 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.

20. 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.

21. 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.

22. 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.

(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."

23. 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.

¹ 2023 SCC OnLine Bom 9.0

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

24. 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.”

25. 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.

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

27. 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.

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

- (a) That the Prospective Adoptive Parents be given the said child Laxmi Ankush Kurhadkar in Adoption and be declared as parents having 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 female minor Laxmi Ankush Kurhadkar 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 Laxmi Ankush Kurhadkar, born on 24/11/2022 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 'Laxmi' to 'Laxmi Ankush Kurhadkar'.*
- (e) Pass such other or further orders as it may deem fit and proper on the facts and in the circumstances of the case.*

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

30. 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.

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

(FARHAN P. DUBASH, J.)