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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. 4 OF 2026

Vatsalya Trust,

Having its office at near Kanjur Marg Police Station,
Kanjur Marg (East), Mumbai – 400 042.

Through its Social Worker / Authorised Signatory
Anupama Dhuri.

... **Petitioner**

And

1. Mr. Rupak Sarkar,

an adult, aged around 47 years,

Occupation: Business

2. Mrs. Debasree Sarkar,

an adult, aged around 38 years,

Occupation: Home Maker.

Both Indian Hindu, at present Residing at

Flat No. 202, Govind Heights, Sr No. 268/1/1,

Marunji Rd. Ananta Nagar, Hinjewadi, Pune – 411057

Permanently residing at Lalpur, Baganbari, P.O.

Nadia, West Bengal 741222

... **Prospective Adoptive Parents**

Ms. Sangeeta Nagpal for Petitioner.

Ms. Vandana M. Chincholkar – Scrutiny Officer – ICSW present.

Mr. Dilip S. Gurav, Chamber Registrar present.

CORAM : FARHAN P. DUBASH, J.

DATE : 21st JANUARY 2026

ORDER:

1. By this Indian Adoption Petition, the Petitioner Institution and the Proposed Adoptive Parents (**“PAPs”**) have sought adoption of the female minor Karishma (**“the said female minor”**) born on 11th June 2024. The said female minor was surrendered by her biological mother before the Child Welfare Committee (**“CWC”**), Mumbai Suburban District, on 25th 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.

2. After making the due inquiry under Section 38 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the CWC, Mankhurd, District Mumbai declared the said female minor “Legally Free for Adoption” on 29th August 2024. The Free for Adoption Certificate is on record.

3. The Prospective Adoptive Father and Prospective Adoptive Mother are Indian Nationals, residing at Hinjewadi, Pune, Maharashtra aged about 47 and 38 years respectively. They have been married for the past 12 years with no biological children. The Certificate of Registration of Marriage, the Joint Family Photograph, PAN, Aadhar Cards, Proof of Residence and the Motivation letter of the PAPs are on record.

4. The Medical Report of the PAPs dated 20th January 2025 is on record and it states that both are physically fit. Their HIV Test Reports certify their cases as Non-Reactive and their HBsAg Test Reports certify their cases as Negative. These reports are also on record.

5. The Prospective Adoptive Father is self-employed, and is working as the Proprietor of Royal Food Services Pune since 2022 and his total income for the Assessment Year 2024-25 was Rs. 5,88,430/-. The GST Registration Certificate, Udyam Registration Certificate and Income Tax Returns are on record. The Prospective Adoptive Mother is a Homemaker.

6. The Home Study Report Part I Self-Assessment of the PAPs is taken on record. The Home Study Report Part II: Assessment Reports dated 2nd July 2021 and 9th August 2024 of the Specialized Adoption Agency "Society of

Friends of Sassoon Hospital” (“**SOFOSH**”), Pune have found the PAPs suitable to adopt a child. The same is also on record.

7. The Child Security undertaking dated 4th January 2025 given by the Prospective Adoptive Mother’s brother and sister-in-law residing at North 24 Parganas, West Bengal to look after the said female minor in case of any mishap to the PAPs is on record.

8. The Medical Examination Report of the said female minor dated 6th January 2025 states that “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 her overall mental and physical development is within normal limits.” The PAPs have countersigned the said Report which is on record.

9. The H.I.V Report of the said female minor dated 16th December 2024 certifies the case as Negative. This report along with the Post Card size Photograph of the said female minor are taken on record.

10. The Joint Declaration of consent and willingness to adopt by the PAPs is on record and it states that they are willing to be appointed and declared as the adoptive parents of the said female minor.

11. As regards the change of name, the PAPs desire that the female minor 'Karishma' be renamed as 'Rudrasree Sarkar'. The Statement for the same is on record as well.

12. The pre- adoption foster care undertaking dated 21st January 2025 is on record.

13. A copy of the Affidavit by the Chief Functionary of the Specialised Adoption Agency, the Petitioner, in support of the adoption of the said female minor is also on record. The Petitioner Institution's undertaking to furnish follow up Post Adoption Reports is also on record.

14. The Petitioner Institution's recognition from the Women & Child Development Department, Maharashtra State to place children in adoption is valid for the period up to 31st March 2026.

15. The Minutes of Adoption Committee Meeting held on 29th January 2025 is on record, and it states that the PAPs are suitable to adopt the said female minor.

16. Ms. Vandana Chincholkar, Scrutiny Officer has the tendered Report/ Representation of Indian Council of Social Welfare dated 16th January

2026 prepared and signed by her colleague Mr. O. Hareendran, Scrutiny Officer, which is taken on record and marked "X" for identification.

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

18. 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.** 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.*

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

20. 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 best interest of the said female minor that she is adopted by the PAPs.

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

- (a) *For adoption of the proposed female minor KARISHMA RUDRASREE SARKAR born on 11th June, 2024 under the Juvenile Justice Act by the Proposed Adoptive Parents*
- (b) *For declaring the Proposed Adopters as Adoptive Parents of the said minor that shall have all parents' rights, privileges and responsibilities over the said minor RUDRASREE SARKAR*
- (c) *That the Proposed Adopters be granted permission to change the name of minor KARISHMA to RUDRASREE SARKAR*
- (d) *That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor RUDRASREE SARKAR, born on 11th June, 2024 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.*

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

23. 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.

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

(FARHAN P. DUBASH, J.)