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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. 6 OF 2026

Vatsalya Trust, Mumbai

Having their registered office at

Near Kanjur Marg Police Station,

Kanjur (East), Mumbai – 400 042

Through its Social Worker Nanda S. Sangode

... **Petitioner**

And

1. Mr. Manikandan N.,

Adult, aged 42 years, Occupation: Service

And

2. Mrs. Saranya P.,

Adult, aged 30 years, Occupation: Home maker

Wife of Mr. Manikandan N.

Both Indian Hindu, residing at 348/A

Puthracadu Thempamuttam, Balaramapuram

Kerala - 695501

... **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 and the Prospective Adoptive Parents (“**PAPs**”) have sought the adoption of the female minor named Gargi born on 29th June 2024. Gargi was surrendered by her biological mother before the Child Welfare Committee (“**CWC**”), Mumbai Suburban-I on 9th July 2024 and her safe custody was given to the Petitioner Institution, Vatsalya Trust, Mumbai, on the same day as per the order of the CWC dated 9th July 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (“**JJ Act**”). The Admission Order of the CWC is on record.

2. The Child Welfare Committee, Mankhurd, Mumbai, declared Gargi legally free for adoption by an order dated 12th December 2024 after following the necessary procedure. The required Undertakings and Affidavits have also been tendered and are taken on record.

3. The Prospective Adoptive Parents are Indian Nationals, residing at Balaramapuram, Thriuvananthapuram, Kerala and are aged about 43 and 31

years respectively. They have been married for the past 11 years with no biological children and their marriage certificate has also been annexed.

4. The Prospective Adoptive Father is working as an Executive in Maintenance with Rebel Foods Pvt. Ltd., Trivandrum and his total income for the year 2024 is stated to be Rs. 3,96,910/- . The Prospective Adoptive mother is stated to be a Homemaker. On record are their proof of residence and Payee Statement of Earnings.

5. The Medical Report dated 4th November 2024 of the Prospective Adoptive Parents is on record, and their HIV reports show a negative result.

6. The Home Study Report of the authorities of the Specialised Adoption Agency “Kerala State Council for Child Welfare”, Trivandrum, Kerala has found the PAPs suitable to adopt a child. The Home Study Report records that the Prospective Adoptive Parents are suitable enough from a psychological point of view to be entrusted with the adoption and upbringing of children. In addition, the Child Security Undertaking by the sister and brother-in-law of the prospective adoptive mother residing at Thiruvananthpuram, Kerala, to look after the said female minor in case of any mishap to the Prospective Adoptive Parents is also on record.

7. The other documents are in order, including the letter of acceptance, the declaration and willingness and undertakings.

8. The Medical Examination Report of the said female minor, dated 26th February 2025, is on record, and it states the health status of the child as "Normal". Her overall observation report stated that *"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"*. It is important to note that the Prospective Adoptive Parents have countersigned this Report. Moreover, the Medical Examination Report is on record. The HIV report of the said female minor, dated 16th December 2024, certifies the case as Negative.

9. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor named Gargi be renamed as "Manasa S. M.".

10. The Petitioner Institution's recognition from the Women & Child Development, Maharashtra State, to place children in adoption is valid for a period up to 31st March 2026. A copy of the Extension order dated 5th December 2025 of Women and Child Development, Maharashtra State is on record.

11. Ms. Vandana Chincholkar, Scrutiny Officer, has tendered a Report/Representation of the Indian Council of Social Welfare dated 16th January 2026 which has been prepared and signed by her colleague, Mr. O. Hareendran, Scrutiny Officer, which is taken on record and marked 'X' for identification.

12. 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 Prospective Adoptive Parents.

13. It is relevant to note here that in the case of **Nisha Pradeep Pandya and Anr v. Union of India**¹ and Ors., concerning a 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. The relevant portion of 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;

¹ 2023 SCC OnLine Bom 90

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.*

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

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

(a) *For the admission of the Proposed female minor @ MANASA S. M, born on 29th June 2024 by the Proposed Adopters under Juvenile Justice Act*

(b) *For declaring the Proposed Adopters as Adoptive Parents of the Said minor and shall have all parents rights, privileges and responsibilities over the said minor MANASA S. M,*

(c) *That the Proposed Adopters be granted permission to change the name of minor GARGI to MANASA S. M,*

(d) *That the concerned Municipal Authority / Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said*

minor MANASA S. M., born on 29th June 2024 and stating thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(e) 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.

16. It is directed that the Petitioner will obtain further undertakings from the Prospective Adoptive Parents 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.

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

(FARHAN P. DUBASH, J.)