

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**JUDGES ORDER NO. 12 OF 2026
IN
FOREIGN ADOPTION PETITION NO. 4 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. Eleuterio Anthony Slveira

Adult, Indian Citizen, aged 47 years

2.Mrs. Cienna Afra Alphonso

Adult, Portugal Citizen, aged 43 years

Both are residing at Mazroui Pharmacy Building,

10th Floor. Najda Street, Abu Dhabi, UAE ... **Prospective Adoptive
Parents**

Ms. Aarti P. Kulkarni for Petitioner.

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

Mr. Dilip S. Gurav, Chamber Registrar present.

CORAM : FARHAN P. DUBASH, J.

DATE : 29th JANUARY 2026

ORDER:

1. By this Foreign Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**“PAPs”**) have sought the adoption of the female minor named Nitya, born on 25th May 2024. Nitya was surrendered by her biological mother before the Child Welfare Committee (**“CWC”**), Mumbai Suburban-I on 30th May 2024 and her safe custody was given to the Petitioner Institution, Vastsalya Trust, Mumbai, on the same day, as per the order of the CWC dated 30th May 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 Nitya legally free for adoption by an order dated 22nd August 2024 after following the necessary procedure. The required Undertakings and Affidavits have also been tendered and are taken on record. The No Objection Certificate from the Central Adoption Resource Authority (**CARA**) dated 31st March 2025 is also on record.

3. The Prospective Adoptive father is an Indian National and the Prospective Adoptive mother is a Portugal National. They are residing at Abu Dhabi, U.A.E., are aged about 47 and 43 years respectively, have been married for the past 18 years with no biological children and their marriage certificate has also been annexed.

4. The Prospective Adoptive father is self-employed and has established a company in the name of “Smart Space Office Equipment Trading LLC SPC” and his tentative monthly average income is stated to be Rs. 3,60,000. The Prospective Adoptive mother is working as an Inside Sales Professional Intermediate with “Halcrow International Partnership”, since 19th September 2023, and her total income is stated to be Rs. 4,47,552. On record are their proof of residence and Payee Statement of Earnings.

5. The Medical Report dated 7th March 2025 of the Prospective Adoptive Parents is on record, and their HIV reports show a negative result.

6. The Home Study Reports dated 10th August 2019 and 1st May 2023 of “Ms. Omana Menon”, Dubai, U.A.E, the Authorised Foreign Adoptive Agency (**AFFA**) 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. The permission of the receiving country, U.A.E., as per Articles 5 and 17 of the Hague Convention (1993) is also on record. In addition, the Child Security Undertaking by the younger brother and the sister-in-law of the Prospective Adoptive mother residing at Florida, USA, to look after the said female minor in case of any mishap to the PAPs is also on record.

7. The other documents are in order, including the letter of acceptance, the declaration and willingness and undertakings. A copy of the General Power of Attorney in favour of the Petitioner is also on record.

8. The Medical Examination Report of the said female minor, dated 22nd November 2024, is on record, and it states that the health status of the child as “Normal”. Overall observation of the Child is *“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 these Reports. The HIV report of the said female minor, dated 6th November 2024, certifies the case as Negative.

9. As regards the change of name, the Prospective Adoptive Parents desire that the said female minor named Nitya be renamed as “Eleanor Lourdes Silveria”.

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. The copy of the Extension order of Women & Child Development, Government of Maharashtra dated 5th December 2025 is on record.

11. All the requirements are satisfied as per Section 59 of the JJ Act along with Regulation 58 and Regulations under Chapter IV of the Adoption Regulations, 2022.

12. Mr O. Hareendaran, Scrutiny Officer, has tendered a Report/Representation of the Indian Council of Social Welfare dated 2nd January 2026, which is taken on record and has been marked ‘X’ for identification.

13. Having considered the material on record, 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.

14. 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;*

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.*

¹ 2023 SCC OnLine Bom 90

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

16. 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 Adoption of the proposed female minor Eleanor Lourdes Silveira, born on 25/05/2024 by the Proposed Adopters under Section 59 (7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopters as Adoptive Parents of the minor Eleanor Lourdes Silveira 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, Near Kanjur Marg Police Station, Kanjur Marg (E), Mumbai - 400042, Maharashtra.

(c) That the proposed adopters be allowed to change the name of the said minor 'Nitya' to "Eleanor Lourdes Silveira".

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Eleanor Lourdes Silveira, and stating thereon that the Proposed Adopters as Parents of the said minor.

17. 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.

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

(FARHAN P. DUBASH, J.)

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by JYOTI
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