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

JUDGES ORDER NO. 13 OF 2026

IN

FOREIGN ADOPTION PETITION NO. 6 OF 2026

Adharashram,

491/6 Gharpure Ghat,
Nashik – 422 002, Maharashtra
Through: Rahul M. Jadhav,
Adoption Coordinator

... Petitioner

And

1. Marco Del Zenero,

Italian National, aged 52 years,
residing at Via Coldemies N. 17/C-32022
Alleghe (BL), ITALY.

2. Erica Fontanive,

Italian National, aged 49 years,
wife of Mr. Marco Del Zenero,
residing at Via Coldemies N. 17/C-32022
Alleghe (BL), ITALY.

... Proposed Adopters

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 : 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, Raksha Lakshman Kamble (**the said female minor**), born on 17th October 2019. The said female minor was found abandoned by the Sarkarwada Police Station, Nashik on 17th November 2019, and on the same day, she was admitted to the Petitioner Institution, Adharashram, Nashik, as per the order of the Child Welfare Committee (**CWC**), Nashik dated 17th November 2019 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (**JJ Act**). The Admission Order of CWC, Consent Letter of the said female minor and her background information are on record.

2. The CWC, Nashik, after making a due inquiry, under Section 38 of the JJ Act, declared the said female minor legally free for adoption by an order dated 10th April 2024, after following the necessary procedure. The required Undertakings and Affidavits by the Petitioner Institution have also been tendered and are taken on record. The No Objection Certificate from the Central Adoption Resource Authority (**CARA**) dated 8th September, 2025, is also on record.

3. The PAPs are Italian Nationals, both residing at Alleghe (BL), Italy, aged about 52 and 49 years respectively, who have been married for the past 17 years with no biological children. Their marriage certificate has also been annexed.

4. The Prospective Adoptive Father is working as a Sales Assistant with GOL S.R.L., Trento, Italy, since 1st March 2007, and his annual salary for the year 2023 was Euro 23,673. The Prospective Adoptive mother works as a Ski Instructor for the months of January, February, March and December at the Scuola Sci Alleghe Civetta, Alleghe, Italy and as a Chambermaid for the summer season at Hotel Valgranda, Alleghe. For the year 2023, she received a gross salary of Euro 14,909 for her activity as Ski Instructor and Euro 2, 658.00 for her work as an employee at Hotel Valgranda, Alleghe. On record are their supportive documents, including proof of residence, Income Tax Returns, Financial Statements and the Income Declaration issued by a Chartered Accountant.

5. The Medical Report dated 15th March 2025 of the PAPs is on record, and it states that they do not suffer from any chronic, venereal, contagious, or terminal illnesses and have no physical or mental conditions

that would prevent them from taking care of the said female minor. Their HIV and Hepatitis B reports show a negative result.

6. The Home Study Reports of the authorities of Famiglia Insieme, Rome, Italy, Authorised Foreign Adoptive Agency (**AFFA**) have found the PAPs suitable to adopt a child who has not reached the age of 8 years old. The Home Study Reports record that the PAPs are suitable for the adoption and upbringing of children. The Psychological Evaluation Report of the PAPs, dated 16th November 2022, by Chiara Mondin, Psychologist, is on record, and the report states that the PAPs are motivated to adopt and are suitable for adopting a child. There is also on record the permission of the receiving country, Malta, as per Articles 5 and 17 of the Hague Convention (1993). In addition, the Child Security Undertaking by the Prospective Adoptive Father's brother and sister-in-law residing at Santa Giustina, Italy, 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 13th November 2024, is on record, and it states that the Health Status of the child is that of Special Need. The PAPs have countersigned this report. The medical examination report records the following overall observations regarding the said female minor:

*"1. Physical and mental milestones appear to be appropriate of age.
2. Malnourished for age and 3. Localised Vitiligo Perineal Region".*

9. The Medical Examination Report dated 27th November 2024, being Part E titled **"Special Needs Condition of Child"**, issued by the Civil Surgeon, Civil Hospital, Nashik, is placed on record. The report confirms that the said female minor is a child with special needs. It is important to note that the PAPs have countersigned this report. The Child Study Report dated 8th July 2024 is also on record. The HIV report of the said female minor, dated 20th September 2025, certifies the case as Negative.

10. As regards the change of name, the PAPs desire that the said female minor, Raksha Lakshman Kambale, be renamed as "Raksha Del Zenero".

11. The Petitioner Institution's recognition from the Women & Child Development Department, Government of Maharashtra, to place

children in adoption is valid for a period up to 30th September 2030. A copy of the Renewal order dated 4th November 2025, of the Women & Child Development Department, Government of Maharashtra, is on record.

12. Mr O. Hareendaran, Scrutiny Officer, has tendered a Report/Representation of the Indian Council of Social Welfare dated 23rd January 2026, which is taken on record and has been marked 'X' for identification.

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. 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.

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

(a) For the Adoption of the proposed female minor Raksha Del Zenero, born on 17/10/2019 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 Raksha Del Zenero and having all parental rights, privileges and responsibilities over the said minor now in the care and custody of the

Petitioner institution Adharashram, 491/6 Gharpure Ghat, Nashik-422 002, Maharashtra

(c) That the proposed adopters be allowed to change the name of the said minor 'Raksha Lakshman Kambale' to 'Raksha Del Zenero

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Raksha Del Zenero, born 17/10/2019 and stating thereon that the Proposed Adopters as Parents of the said minor.

(e) That the Proposed Adopters may be granted leave to remove the said minor Raksha Del Zenero from the jurisdiction of this Hon'ble Court and to take the said minor to ITALY or wherever they may reside in future.

17. 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.

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

(FARHAN P. DUBASH, J.)