

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 7 OF 2026**

Maharashtra State Women's Council Adoption

Group at Maharashtra State Women's Council,

Asha Sadan Balgruh, Asha Sadan Marg,

Umerkhadi, Mumbai- 400 009

Through: Mrs. Lalita Godbole,

Convenor/ Authorised Signatory

... Petitioner

AND

1. Mr. Jeofson Constancio Fernandes,

aged 37 years, Occupation: Service,

Portuguese National, Person of Indian Origin

and his wife,

2. Mrs. Rachael Odette Fernandes,

aged 36 years, Occupation: Service,

Indian National.

Both presently residing at Apartment no. 302, Al Dalal Building,

Al Qusais 1st, Dubai, U.A.E.

and having permanent address at 135 C,

Mokhor Damoll Bhatpal, Canacona,

South Goa, Pin – 403 702, Goa, India.

... Prospective Adoptive Parents

Ms. Dipal Sanjanwala Mehta for Petitioner.

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

Mr. Dilip S. Gurav, Chamber Registrar present.

CORAM: FARHAN P. DUBASH, J.

DATE : 25th FEBRUARY 2026

ORDER:

1. By this Foreign Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**PAPs**) have sought the adoption of the female minor Purvi (**minor**) born on 14th April 2025. The minor's custody was given to the Petitioner Institution, Maharashtra State Women's Council Adoption, Mumbai, on 6th May 2025, as per the order of the Child Welfare Committee (**CWC**), Mumbai, under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (**JJ Act**). The Safe Custody order of the CWC is on record.
2. After making a due inquiry under Section 38 of the JJ Act, the CWC, Nanded, declared the minor legally free for adoption on 7th August 2025. The Free for Adoption Certificate is on record.
3. The Central Adoption Resource Authority (**CARA**), has issued a No Objection Certificate (**NOC**) dated 15th January 2026 to this adoption as per the Adoption Regulations, 2022. The said No Objection Certificate is also on record.

4. The Prospective Adoptive Father is a Portuguese National of Indian Origin (OCI Card Holder), and the Prospective Adoptive Mother is an Indian National. The PAPs are presently residing in Dubai, U.A.E, aged about 38 and 36 years respectively, and have been married for the past 12 years with no biological children. The Marriage Certificate of the PAPs is on record. The PAPs passport copies and joint family photograph are also on record. Additionally, the Prospective Adoptive Father's OCI card is also on record.

5. The Medical reports dated 22nd October 2025 of the PAPs are on record, and they state that they do not suffer from any chronic, contagious or fatal disease, and they are fit to adopt. Their HIV and Hepatitis-B Test Reports certify the case as non-reactive. These reports are on record.

6. The Prospective Adoptive Father is working as a Business Partner, Finance with Gardaworld Security Consulting Middle East Limited, U.A.E, since 3rd March 2019, and his gross salary is AED 18,205. His Employment and Income Certificate and pay slips are on record. It is stated that the Prospective Adoptive Mother is working as a Sales Supervisor with Pro Global Logistics LLC, U.A.E, since 21st November 2021, and her present monthly salary is AED 19,000. Her Employment, Income Certificate, and pay slips are on record.

7. The Home Study Report Part I self-assessed by the PAPs dated 15th March 2021 is on record. The Home Study Report dated 25th May 2021 by the Social Worker of the Authorised Foreign Adoption Agency (AFAA), U.A.E, has found the PAPs suitable for adopting a child. These reports are on record. In addition, the Psychological Assessment Report of the PAPs, dated 23rd October 2024, by the authorities of Bridges Speech Centre LLC, Dubai, has found the PAPs suitable for adopting a child. The Psychological Assessment Report is on record.

8. The Certificate of AFAA by Mrs Omana Menon issued at Dubai on 11th December 2023 regarding Hague Accreditation (Non-Party and Non-Signatory) is on record, and it states that the U.A.E. is not a signatory to the Hague Convention for adoption. Hence, Article 5 and Article 17 are not applicable to the AFAA.

9. The Child Security undertaking dated 27th September 2025, given by the Prospective Adoptive Mother's sister and Brother-in-law to take care of the minor in case of any unforeseen mishap to the PAPs, is also on record.

10. The Medical Examination Report of the minor, dated 29th July 2025, is on record, and it states the health status of the minor as normal and the overall observation of the minor as a healthy infant. It is important to

note that the PAPs have countersigned this Report. The HIV Report of the minor dated 16th June 2025 certifies the case as non-reactive. This report is on record. The Post Card Size Photograph of the minor is on record.

11. The Declaration of consent, willingness and undertaking dated 13th September 2025 of the PAPs is on record, and it states that they are willing to adopt the minor. They further undertake to allow personal visits by the representative of the AFAA during post-adoption follow-up. The said declaration is on record.

12. As regards the change of name, the PAPs desire that the minor be renamed as "**Emma Lourdes Fernandes**". The PAPs Affidavit requesting a name change dated 13th September 2025, is on record.

13. The undertaking dated 19th November 2025 by the authorities of AFAA to provide follow-up reports of the minor and make alternative arrangements in case of disruption of the adoptive family is also on record.

14. The Power of Attorney dated 13th September 2025, duly executed by the PAPs in favour of the Petitioner Institution, is on record.

15. The Petitioner Institution's recognition from the Women & Child Development, Maharashtra State, to place children in adoption is valid for a period up to 30th September 2030. The copy of the Renewal Order dated 4th

November 2025 of Women & Child Development, Government of Maharashtra, is on record.

16. Mr. O. Hareendran, Scrutiny Officer, has tendered a Report/Representation of the Indian Council of Social Welfare dated 5th February 2026, which is taken on record and marked 'X' for identification.

17. It is relevant to note here that in the case of **Nisha Pradeep Pandya and Anr. v. Union of India and Ors**¹, 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*

¹ 2023 SCC OnLine Bom 90

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.

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

19. 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 minor that she is adopted by the PAPs.

20. Accordingly, the following order is passed:

ORDER

- (i) The Proposed Adoptive Parents are hereby appointed as Parents of the minor, now in the care of the Maharashtra State Women’s Council Adoption Group, Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai – 400 009 and shall be permitted to take the minor to the country of their residence for bringing the child as their own.
- (ii) The Proposed Adoptive Parents are granted permission to change the name of the minor, Purvi, to Emma Lourdes Fernandes.
- (iii) The concerned Municipality / the Birth Certificate Issuing Authority, is directed to issue Birth Certificate to the minor

Emma Lourdes Fernandes, within five working days from the date of application of the Petitioner, as per the provisions of sub-regulation (5) of the Adoption Regulation 19 and Regulation 40.

- (iv) The concerned Regional Passport Office is directed to issue Passport for the minor Emma Lourdes Fernandes within ten days from the date of application, as per sub-regulation (4) of Regulation 19 and Regulation 42.
- (v) It is directed that the Petitioner will obtain further undertakings from the PAPs that they will not give the 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.
- (vi) The Foreign Adoption Petition is disposed of. There shall be no order as to costs.

(FARHAN P DUBASH, J.)

Shubham Gadhavepatil