

CORAM : FARHAN P. DUBASH, J.

DATE : 11th MARCH 2026

ORDER:

1. By this Foreign Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**PAPs**) have sought the adoption of the female minors who are stated to be siblings, namely Pooja born on 4th June 2012, Aarati born on 5th November 2015 and Sushma born on 1st April 2020. The minors were found abandoned by the Narpoli Police Station, Bhiwandi, on 4th July 2021. The said minors were then produced before the Child Welfare Committee, Thane (**CWC**) on the same day and admitted to the Petitioner Institution as per the orders of the said CWC dated 4th July 2021 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (**JJ Act**). The Admission Orders of the CWC and consent Letters of the said female minors are placed on record.

2. After making a due inquiry under Section 38 of the JJ Act, the CWC Thane declared the female minors legally free for adoption on 20th June 2023. The required Undertakings and Affidavits have also been tendered and are taken on record.

3. The Central Adoption Resource Authority (**CARA**), New Delhi, has issued a No Objection Certificate dated 12th December 2025 to this adoption as per the Adoption Regulations 2022 and Article 17(c) of the Hague Convention

on the Protection of Children and Cooperation in respect of Inter-country Adoption 1993. The said No-objection Certificate is placed on record.

4. The PAPs are Italian Nationals, residing at Offida, Italy, both aged about 50 years, and have been married for the past 19 years since 13th May 2007, with no biological children. The Marriage Certificate is placed on record.

5. The Medical Report dated 9th June 2025 of the PAPs is on record, and it states that both enjoy good health and do not have any psychophysical disease whatsoever. Their HIV and HBsAg Test Reports certify the case as Negative.

6. The Prospective Adoptive Father is working as a Coordinator (part-time permanent contract) of the Electricity Distribution Network for Energie Offida S.R.L., Italy, since 28th May 2007, and his gross income for the year 2024 is Euro 24,792.00. He also works as a Technical Assistant in the Public Education Service since 1st September 2020, and his gross salary for the year 2024 is Euro 11,061.59. The Prospective Adoptive Mother is a School Assistant with IC Spinetoli State Comprehensive Institute since 14th September 2024 and her income for the year 2024 is Euro 1,580.62. On record are their Employment and Income Tax certificates, Financial Declaration and Proof of Residence and other financial/supporting documents.

7. The Home Study Report dated 11th May 2023 and 22nd October 2025 of the authorities of the C.I.F.A. - International Centre For Children and Family, Torino, Italy, is on record, and the reports have found the PAPs suitable for adopting the female siblings Pooja, Aarati and Sushma into their family. The Psychological Evaluation Report dated 25th September 2023 by the same agency has found the PAPs suitable for the adoption of three minors up to the age of 13 years. The permission of the Receiving Country, as per Article 5/17 of the Hague Convention, is placed on record.

8. The other requisite documents, including the motivation letter submitted by the PAPs, their Declaration of willingness and undertaking to adopt the minor children, the childcare arrangement plan declaration, as well as the undertaking dated 8th April 2025 of the Authorized Foreign Adoption Agency (**AFAA**) "C.I.F.A. – International Centre For Children and Family", Torino, Italy to provide follow-up reports and make alternative arrangements in case of disruption of the adoptive family, have also been duly placed on record. The General Power of Attorney dated 5th May 2025, duly executed by the PAPs in favour of the Petitioner institution, is also placed on record. In addition, a Child Security Undertaking dated 19th February 2026 given by the Prospective Adoptive Mother's brother and sister-in-law residing at Offida,

Italy, to look after the said female minors in case of any unforeseen mishap to the PAPs, is placed on record.

9. The Medical Examination Report dated 2nd May 2025 of the female minor Pooja is on record and it states that she is a happy and content girl. Her Physical and mental development along with behavioral skills are age appropriate. Her Psychological Test Report dated 4th November 2022 states her I.Q. derived falls in the Average Range suggesting average intellectual capacity. Verbal I.Q. falls in borderline range and performance I.Q. falls in Average Range. The PAPs have countersigned these reports.

10. The Medical Examination Report dated 2nd May 2025 of the female minor Aarati is on record and it states that she is a happy and content girl. Her Physical and mental development and behavioral skills are age appropriate. Her Psychological Test Report dated 14th December 2022 states her I.Q. derived falls in the Borderline Range and Performance I.Q. falls in slow learning range. The PAPs have countersigned these reports.

11. The Medical Examination Report dated 2nd May 2025 of the female minor Sushma is on record and it states that she is a happy and content child. Her development and behavioral skills are age appropriate. Her Psychological Test Report dated 28th January 2026 states that her I.Q. is 104 and falls Average Intellectual functioning and her S.Q. is 109 and falls in the

range of average social functioning. The PAPs have countersigned the said Report.

12. The H.I.V reports of the female minors, Pooja & Aarati, dated 15th January 2026, and the HIV report of Sushma, dated 2nd January 2026, certify the case as Negative. These reports are placed on record.

13. As regards the change of name, the PAPs desire that the female minors Pooja, Aarati and Sushma be renamed as "Pooja Barbizzi Iobbi", "Aarati Barbizzi Iobbi" and "Sushma Barbizzi Iobbi" respectively.

14. The Petitioner's recognition from the Department of Women and Child Development, Government of Maharashtra, to place children in adoption is valid for a period up to 12th April 2026. A copy of the Recognition Certificate dated 24th September 2021 of Women & Child Development, Government of Maharashtra, is placed on record.

15. Mr. O. Hareendran, Scrutiny Officer, has tendered a Report/Representation of the Indian Council of Social Welfare dated 11th March 2026, which is taken on record and has been marked 'X' for identification.

16. 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,

¹ 2023 SCC OnLine Bom 90

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.

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

18. 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 minors that she is adopted by the PAPs.

19. 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 minors, Pooja Barbizzi Iobbi born on 4th June 2012 , Aarati Barbizzi Iobbi, born on 5th November 2015 and Sushma Barbizzi Iobbi, born on 1st April 2020 respectively 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 female minors Pooja Barbizzi Iobbi, Aarati Barbizzi Iobbi and Sushma Barbizzi Iobbi and having all parental rights, privileges and responsibilities over the said minors, now in the care and custody of the Petitioner institution Janani Ashish Charitable Trust, Dombivali, Thane.*

(c) *That the proposed adopters be allowed to change the names of the said female minors, Pooja to Pooja Barbizzi Iobbi, Aarati to Aarati Barbizzi Iobbi and Sushma to Sushma Barbizzi Iobbi.*

(d) *Leave/permission be granted to apply the concerned Municipal Authorities to issue Birth Certificate of the said female minors Pooja Barbizzi Iobbi born on on 4th June 2012, Aarati Barbizzi Iobbi born on on 5th November 2015 and Sushma Barbizzi Iobbi born on 1st April 2020 and stating thereon that the Proposed Adopters are Parents of the said minors.*

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

20. It is directed that the Petitioner will obtain further undertakings from the PAPs that they will not give the said minors 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.

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

(FARHAN P. DUBASH, J.)