

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN IT GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 11 OF 2026**

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Maharashtra State Women's Council Adoption Group,

Group at Maharashtra State Women's Council

Asha Sadan Balgruh, Asha Sadan Marg ,

Umerkhandi, Mumbai – 400 009 Through its

Convenor / Authorised Signatory: Mrs. Lalita Godbole ... Petitioner

And

1. Michael Arend Bosveld, Canadian National,

aged 32 years,

2. Taylor Rae Bosveld, Canadian National,

aged 32 years

both, residing at #1489 Norfolk County Road,

19E, Wilsonville, Ontario N0E 1Z0, Canada.

... Prospective Adoptive Parents

Ms. Dipal Sanjanwalla Mehta for Petitioner.

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

Mr. Dilip S. Gurav, Chamber Registrar present.

CORAM : FARHAN P DUBASH, J.

DATE : 25th MARCH 2026

ORDER:

1. By this Foreign Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**PAPs**) have sought the adoption of the female minor Inaya (**minor**) born on 30th August 2024. The biological mother surrendered the child before the Child Welfare Committee (**CWC**) Mumbai City-II, on 20th September 2024, and the custody of the child was given to the Petitioner institution on the same day as per the order of the said CWC passed under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (**JJ Act**). The Safe Custody Order of the said CWC is placed on record.
2. After making due inquiry under Section 38 of the JJ Act, the CWC, Mumbai City-II declared the said minor legally free for adoption on 3rd December 2024. The Free for Adoption Certificate is placed on record
3. The Central Adoption Resource Authority (**CARA**), New Delhi, has issued a No Objection Certificate dated 21st January 2026 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 Canadian Nationals residing at Ontario, Canada, both aged about 32 years, and have been married since 29th July 2016. They have one biological daughter born on 16th December 2019 and one biological son born on 18th September 2022. The relevant marriage and birth record documents are placed on record.

5. The Medical Fitness Certificates dated 26th June 2024 and 20th October 2025 of the Prospective Adoptive Father are on record and state that he is in very good physical and mental health. His HIV and HBsAg test reports certify the case as non-reactive. The Medical Fitness Certificates dated 24th June 2024 and 13th November 2025 of the Prospective Adoptive Mother are on record and state that she is completely healthy. Her HIV and HBsAg test reports certify the case as non-reactive.

6. The Prospective Adoptive Father is working as Client Accountant and Production Manager with Serve Media Inc., Ontario, Canada, since June 2014 and his earnings for the year 2025 are stated to be 169,000 Canadian Dollars. The Prospective Adoptive Mother is a homemaker. Their proof of residence and supportive financial documents/declarations are placed on record.

7. The Home Study Report dated 10th October 2024 of the Private Adoption Practitioner in Ontario, Canada, is on record, and the said report

has found the PAPs suitable for adopting a male or female child with correctable medical developmental conditions between the ages of 0 and 24 months at the time of proposal from India. The Psychological Assessment Report dated 30th September 2024 has also found that there are no known barriers to the PAPs becoming adoptive parents for a child. The Permission of the Receiving Country, as per Article 5/17 of the Hague Convention, is also placed on record. The childcare arrangement declaration of the PAPs is on record.

8. The Child Security Undertaking dated 4th November 2025 of the Prospective Adoptive Mother's brother and sister-in-law residing at Ontario, Canada, to take care of the said minor in the event of any unforeseen mishap to the PAPs, is placed on record.

9. The Medical Examination Report of the minor dated 19th February 2025 is on record and records the child as a special needs child. The report states that the child is suffering from mild generalized hypotonia resulting in delayed physical milestones, has an inguinal hernia which has been operated upon, and has delayed speech development. It further records that the child was born with extremely low birth weight, requiring anti-VEGF injection and laser treatment of the eyes, but is presently doing well, with

follow-up for growth, development and vision continuing. The PAPs have countersigned this report.

10. The Medical Examination Report dated 23rd April 2025 by the Department of Pediatrics, Sir J. J. Group of Hospitals, Mumbai, confirming the child as special needs, is also placed on record. The PAPs have countersigned the said report together with the additional investigation reports.

11. The HIV report of the minor dated 3rd January 2025 certifies the case as non-reactive. The photograph of the minor is also placed on record.

12. As regards the change of name, the PAPs desire that the said minor Inaya be renamed as “**Inaya Prisha Bosveld**”. The name change request letter is placed on record.

13. The Declaration of consent and willingness to adopt and undertaking of the PAPs is on record. The undertakings of the Authorized Foreign Adoption Agency (**AFAA**), namely “The Children's Bridge”, Ontario, Canada, to provide follow-up reports of the child and to make alternative arrangements in the event of disruption of the adoptive family, are also placed on record. The General Power of Attorney duly executed by the PAPs in favour of the Petitioner institution is also placed on record.

14. The Petitioner institution's recognition from the Women and Child Development Department, Government of Maharashtra, to place children in adoption is stated to be valid from 1st October 2025 to 30th September 2030. The Recognition Certificate dated 20th February 2026 is placed on record.

15. Mr. O. Hareendran, Scrutiny Officer, has tendered a Report/Representation of the Indian Council of Social Welfare dated 25th 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, 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,

¹ 2023 SCC OnLine Bom 90

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 minor that she is adopted by the PAP's.

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

(a) This Hon'ble Court may be pleased to appoint the proposed adoptive parents as the parents of the female minor, Inaya now in the care of the Maharashtra State Women's Council Adoption Group, Asha Sadan Balgruh, Asha Sadan Marg Umerkhadi, Mumbai - 400 009

(b) *That the proposed adoptive parents be permitted to change the name of the minor from “Inaya” to “Inaya Prisha Bosveld”;*

(c) *That the proposed adoptive parents be granted leave to remove the aforesaid child, Inaya @ Inaya Prisha Bosveld, from the jurisdiction of this Hon'ble Court and to take the minor out of India along with them to their home, i.e., wherever they may require her to;*

(d) *That the Petitioner be granted leave to apply to the concerned Municipal Authorities to issue a Birth Certificate of the female minor “Inaya Prisha Bosveld” showing the names of the proposed adoptive parents as her parents;*

(e) *That the concerned Municipality / Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor ‘Inaya Prisha Bosveld’ within five working days from the date of application of the Petitioner, as per the provisions of sub-regulation 5 of the Adoption Regulations 19 and regulation 40 ; and*

(f) *That the concerned Regional Passport Office may be directed to issue the Passport for the said ‘Inaya Prisha Bosveld’ within 10 days from date of application, as per sub- regulation (4) of regulation 19 and regulation 42.*

20. 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.

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

(FARHAN P. DUBASH, J.)