

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN IT GENERAL AND INHERENT JURISDICTION**

FOREIGN ADOPTION PETITION NO. 12 OF 2026

- 1. Vinod Gehimal Dewani, American National,**
aged 59 years, Occupation- Self- employed
- 2. Sunita Vinod Dewnani, American National,**
aged 56 years, Occupation- Service,
Both, residing at
1, Monet Court, Somerset, New Jersey 08873,
USA. Through their duly constituted Attorney
Mr. Kamal Jethanand Malkani, an Indian Inhabitant,
residing at Flat No. 3, Sea-view Apartments,
Opp. Good Shepherd Church, Four Bungalows,
Andheri (West), Mumbai – 400 053, India.

... **Prospective Adoptive Parents (Applicants)**

And

- 1. Mr. Kumar Bhagchand Chhabria,**
An Indian National, aged 44 years
Residing at Bharat Bhawan, G-2, Netaji Road,
Near Deepak Darbar, Ulhasnagar,
Dist. Thane- 421 004, Maharashtra **..... Biological Father**

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 : 8th APRIL 2026

ORDER:

1. By this Foreign Adoption Petition, the Prospective Adoptive Parents / Applicants have sought the adoption of the female minor Divyanka Kumar Chhabria (**minor**), born on 23rd September 2021. She is the biological daughter of the deceased cousin sister Mrs. Kajal Kumar Chhabria alias Rekha Deepak Wadhwani and Mr. Kumar Bhagchand Chhabria. The record indicates that the Biological Mother expired on 5th February 2024. The birth certificate of the said minor and the death certificate of the Biological Mother are placed on record.

2. It is the case of the Applicants that after the demise of his wife, the Biological Father has remained the sole guardian of the minor. The record further indicates that the child was born premature with various health issues and that, owing to the Biological Father's alcohol addiction, liver dysfunction, thrombotic disorder and lack of family support, he is unable to adequately care for the child. It is in these circumstances that the Biological Father has expressed his desire that the said minor be adopted by the Prospective Adoptive Mother, who is the maternal relative of the child, and her husband.

3. The Applicants have accordingly sought to take the said minor in adoption under Sections 56(2) and 60(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with Regulation 59(4) of the Adoption Regulations, 2022.

4. The consent of the Biological Father for the purpose of relative adoption and the permission of the Child Welfare Committee, Mumbai Suburban-II dated 12th June 2025, as contemplated by Schedule XIX of the Adoption Regulations, are on record. The Affidavit-cum-Declaration dated 24th December 2025 and the Consent to Adoption dated 21st August 2025 of the Biological Father are also placed on record.

5. The Family Background Report dated 12th April 2025 of the minor and the biological parents, prepared by the District Child Protection Unit, Thane, as per Schedule XXI of the Adoption Regulations, has found the Applicants suitable to adopt the female minor. The Pre-Approval Letter dated 4th August 2025 of the Maharashtra State Child Protection Society, Women and Child Development Maharashtra, Pune, is also placed on record.

6. The Central Adoption Resource Authority (**CARA**) has issued a Pre-Approval dated 16th December 2025 for inter-country relative adoption of the minor and has requested the receiving country, namely the United

States of America, to provide the required certificate under Articles 5 and 17 of the Hague Convention. The said approval letter is placed on record.

7. The Prospective Adoptive Parents are American Nationals of Indian Origin and are OCI card holders, aged about 59 years and 56 years respectively. They have been married since 18th December 2002 and have no biological children of their marriage. The Certificate of Registration of Marriage is placed on record.

8. The record further indicates that the Prospective Adoptive Father was earlier married, and from that marriage has one biological son, namely Karan Dewnani, born on 31st October 1995. The relevant divorce decree, birth certificate and consent letter of the said biological son are placed on record.

9. The joint family photograph, passport copies and OCI card copies of the Applicants are placed on record. The Medical Reports dated 21st September 2024 of the Applicants are also on record and state that their state of health is suitable for raising a child.

10. The Prospective Adoptive Father is self-employed and is the President of Satguru Enterprises Inc., New Jersey, USA since 1992, and his annual salary is stated to be US Dollars 90,000 plus bonus. The Prospective

Adoptive Mother is working as a Senior Scientist with Bristol Myers Squibb, Florida, USA since 5th January 2015, and her annual base salary is stated to be US Dollars 120,000. Their income certificates, U.S. income tax returns, supportive financial documents and proof of residence are placed on record.

11. The Home Study Report dated 18th October 2024 of the Gladney Center for Adoption, Texas, is on record and has found the Applicants suitable to adopt one female child from India, aged 0 to 4 years at the time of referral, with mild or moderate special needs, including developmental delays, cognitive delays, motor skill delays and a history of malnourishment. The Permission of the Receiving Country (USA) as per Article 5/17 of the Hague Convention is also placed on record.

12. The Police Clearance Certificates of the Applicants and the reference letters from acquaintance and relatives are on record. The Child Security Undertaking dated 13th March 2026 given by the Prospective Adoptive Father's son residing at Washougal, USA, to look after the said minor in case of any mishap to the Applicants, is also placed on record.

13. The Medical Examination Reports of the minor dated 14th December 2024 are on record. The same state that the minor has extra little fingers on both hands, a 2 mm PFO / hole in the heart, developmental

delays, speech impediment, malnutrition and was premature at birth. The Applicants have countersigned these reports.

14. The HIV and HBsAg Test Reports of the said minor dated 3rd May 2024 certify the case as Non-Reactive. The postcard size photograph of the said minor is also on record.

15. The consent and undertaking of the Applicants are on record and state, *inter alia*, that they have consented to the legal adoption and agree to do all such acts, deeds and things as may be necessary in the interest of the mental and physical welfare of the said minor. The undertaking dated 12th January 2026 of the Authorized Foreign Adoption Agency, namely “Adopt International”, USA, to provide follow-up reports of the child and to make alternative arrangements in case of disruption of the adoptive family, is also placed on record.

16. As regards the change of name, the Applicants desire that the minor Divyanka Kumar Chhabria be renamed as “**Divyanka Vinod Dewnani**”. The name change request letter is placed on record. The Power of Attorney dated 17th March 2026 duly executed by the Applicants is also placed on record.

17. Mr. O. Hareendran, Scrutiny Officer, has tendered a Report / Representation of the Indian Council of Social Welfare dated 8th April 2026, which is taken on record and marked “X” for identification.

18. 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 with the adjudication of the adoption matters that are pending on their record and file.

¹ 2023 SCC OnLine Bom 90

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.*

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

20. 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.

21. 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 minor Divyanka Vinod Dewnani born on 23/09/2021 by the Prospective Adoptive Parents (Applicants) under Section 56 & 60 of the Juvenile Justice Act, 2015.*

(b) *For declaring the Prospective Adoptive Parents as Adoptive Parents of the said minor Divyanka Vinod Dewnani and having all parental rights, privileges and responsibilities over the said minor.*

(c) *That the Applicants be allowed to change the name of the said minor 'Divyanka Kumar Chhabria' to 'Divyanka Vinod Dewnani'.*

(d) *Leave/permission be granted to apply the concerned Municipal Authorities to issue Birth Certificate of the said female minor Divyanka Vinod Dewnani born on 23/09/2021 within 5 days from the date of Application and showing the Prospective Adoptive Parents (Applicants) as Parents.*

(e) That the Prospective Adoptive Parents (Applicants) may be granted leave to remove the said minor Divyanka Vinod Dewnani from the jurisdiction of this Hon'ble Court and to take the said minor to U.S.A. or wherever they may reside in future.

22. 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.

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

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil