

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN IT GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 13 OF 2026**

Shraddhanand Mahilashram,
Shraddhanand Road,
Matunga, Mumbai – 400 019
Through: **Mrs. Dipika Chalke**

... **Petitioner**

And

1. Gabriel De Angelis, Italian National,
aged 43 years,

2. Antonella Gallo , Italian National,
aged 47 years, wife of Mr. Gabriel De Angelis
both, residing at
Via Di Cologna N. 16 Trieste (TS)
34127, Italy.

... **Prospective Adoptive Parents**

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 : 22nd APRIL 2026

ORDER:

1. By this Foreign Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**PAPs**) have sought the adoption of

the male minor Ajit (**minor**) born on 1st February 2023. The biological mother surrendered the child before the Child Welfare Committee (**CWC**) Mumbai City-II, on 15th February 2023 under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (**JJ Act**). The biological mother executed a Deed of Surrender before the CWC on 22nd February 2023 for the minors future rehabilitation. The Safe Custody Order of the CWC is placed on record.

2. After making a due inquiry under Section 38 of the JJ Act, the CWC, Mumbai City-II, declared the minor legally free for adoption on 15th May 2023. 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 No Objection Certificate is placed on record.
4. The PAPs are Italian Nationals residing at Trieste, Italy, both aged about 43 and 47 years, and have been married since 6th May 2017

and have no biological children. The relevant marriage and Motivation to Adopt documents are placed on record.

5. The Medical reports dated 30th September 2025 of the PAPs are on record and state that they are in very good physical and mental health. Their HIV and Hepatitis B test reports certify the case as non-reactive.
6. The Prospective Adoptive Father is working as a 5th Level Dock Worker with Triestina Della Vela, Amateur Sports Association Trieste Italy , since 8th June 2015 and his earnings for the year 2025 are stated to be 28,361.61 Euros. The Prospective Adoptive Mother is working as a 3rd Professional Level Technologist with National Institute of Oceanography and Experimental Geophysics since 1st October 2020 and her earnings for the year 2025 are stated to be 34,465.78 Euros. Their proof of residence and supportive financial documents/declarations are placed on record.
7. The Home Study Report dated 12th October 2025 of the authorities of “Lo Scoiattolo-ETS”, Terni, Italy has found the PAPs suitable to adopt a child from any ethnicity between the ages of 2 and 4 with slight problems of physical and mental nature. 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 Psychological Evaluation Report dated 1st April 2025 of Zorzenone Stefania, Psychologist-Psychotherapist has found the PAPs suitable for adopting the minor, is placed on record
9. The Child Security Undertaking dated 30th October 2025 of the PAPs friends residing at Virgilio Marone, Italy, to take care of the minor in the event of any unforeseen mishap to the PAPs, is placed on record.
10. The Medical Examination Report of the minor dated 12th February 2025 is on record and states the minor as a special needs child. The report states that the minor is suffering from indirect hyperbilirubinemia under evaluation. The reports are to be reviewed by a Pediatric Gastroenterologist subsequently. The overall observation of the minor states that he is active and sober. The PAPs have countersigned this report
11. The Medical Examination Report dated 5th May 2025 by the Department of Pediatrics, Sir J. J. Group of Hospitals, Mumbai, confirming the minor as special needs, is also placed on record.

The PAPs have countersigned the said report along with a separate acceptance letter/custody declaration.

12. The HIV report of the minor dated 26th February 2026 certifies the case as non-reactive. The photograph of the minor is also placed on record.
13. As regards the change of name, the PAPs desire that the minor Ajit be renamed as “**Ajit De Angelis**”. The name change request letter is placed on record.
14. The Declaration of consent and willingness to adopt and undertaking dated 26th August 2025 of the PAPs is on record. The undertaking of the Authorized Foreign Adoption Agency (**AFAA**), namely “Lo Scoiattolo- ETS”, to provide follow-up reports of the minor and to make alternative arrangements in the event of disruption of the adoptive family, are also placed on record. The General Power of Attorney dated 30th October 2025 duly executed by the PAPs in favour of the Petitioner institution is also placed on record.
15. 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 for a period upto 31st May 2026. The copy of the extension order dated 30th March 2026 of Women and Child Development, Government of Maharashtra is placed on record.

16. Mr. O. Hareendran, Scrutiny Officer, has tendered a Report/Representation of the Indian Council of Social Welfare dated 17th April 2026, which is taken on record and has been 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;

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.

18. Therefore, it is clear 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 male minor that he is adopted by the PAP's.

20. 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 said minor Ajit De Angelis born on 01/02/2023 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 said minor Ajit De Angelis and having all parental rights, privileges and responsibilities over the said minor;

now in the care and custody of Shraddhanand Mahilashram, Shraddhanand Road, Matunga, Mumbai 400 019.

- (c) That the proposed adopters be allowed to change the name of the minor 'Ajit' to 'Ajit De Angelis'.*
- (d) Leave/permission be granted to apply the concerned Municipal Authorities to issue Birth Certificate of the said male minor Ajit De Angelis born on 01/02/2023 and showing the proposed adopters as Parents.*
- (e) That the Proposed Adopters may be granted leave to remove the said minor Ajit De Angelis from the jurisdiction of this Hon'ble Court and to take the said minor to ITALY or wherever they may reside in future.*

- 21. It is directed that the Petitioner will obtain further undertakings from the PAPs that they will not give the male 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.
- 22. The Foreign Adoption Petition is accordingly disposed of. There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil