

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

INDIAN ADOPTION PETITION NO. 8 OF 2026

Vatsalya Trust, Mumbai,

Address at – Plot No. 1285,

Near Kanjur Marg Police Station, Kanjur (East),

Mumbai 400 042

Through its Authorised Signatory/Convener -

Mrs. Leelawati Surendra Belwalkar

... **Petitioner**

And

1. Mr. Sachin Hukumchand Sharma

aged 44 years, Occupation: Service
and

2. Mrs. Veena W/o Sachin Sharma

aged 47 years, Occupation: Service

Both Hindu Indian Inhabitants,

residing at Flat No. 330, Sai Enclave,

Khokariya Bera, Mandar,

Jodhpur, Rajasthan- 342304

... **Prospective Adoptive Parents**

Ms. Aarti P. Kulkarni for Petitioner.

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

Mr. Dilip S. Gurav - Chamber Registrar present.

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CORAM : FARHAN P DUBASH, J.

DATE : 18th FEBRUARY 2026

ORDER:

1. By this Indian Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**PAPs**) have sought the adoption of the female minor named Anamika (**minor**) born on 12th November 2024. The minor was surrendered by her biological mother before the Child Welfare Committee (**CWC**), Mumbai Suburban – (I) on 28th November 2024 and her safe custody was given to the Petitioner Institution, Vatsalya Trust, Mumbai, on the same day as per the order of the CWC dated 28th November 2024 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (**JJ Act**). The admission order of the CWC is placed on record.

2. The Child Welfare Committee, Mankhurd, Mumbai, declared the minor 'Legally Free for Adoption' by an order dated 6th February 2025 after following the necessary procedure. The required undertakings and Affidavits have been placed on record.

3. The PAPs are Indian Nationals, residing at Mandore, Rajasthan and are aged about 44 and 47 years respectively. They have been married for the past 8 years with no biological children and their marriage certificate has been placed on record.

4. The Prospective Adoptive Father is employed as a postgraduate teacher at The Ummed School, Jodhpur and is also engaged in independent practice as a Company Secretary. His total income for the Assessment Year 2025–26 is stated to be Rs. 5,26,040/-. The Prospective Adoptive Mother has been employed as a Junior Accountant with Shivam Nathuram Tak Hospital, Mandore, Rajasthan, since 2017. Her monthly income as of May 2025 is stated to be Rs. 72,895/-. On record are their proof of residence and other financial/supporting documents.

5. The Medical Report dated 3rd July 2025 of the PAPs is on record, and their HIV reports show a negative result.

6. The Home Study Report of the authorities of the Specialised Adoption Agency – Navjeevan Sansthan, Jodhpur, Rajasthan has found the PAPs suitable to adopt a child. The Home Study Report records that the PAPs are physically fit, financially sound and are capable of parenting a child. In addition, a Child Security Undertaking executed by the brother and sister-in-law of the Prospective Adoptive Father, undertaking to look after the minor in the event of any untoward incident or mishap to the PAPs, has been placed on record.

7. The other requisite documents, including the motivation letter submitted by the PAPs, their Declaration of Consent and Undertaking to adopt

the minor child, as well as the pre-adoption foster care Undertaking, have also been duly placed on record.

8. The Medical Examination Report of the minor, dated 16th June 2025, is on record, and it records the health status of the minor as 'Normal'. Her overall observation report states that '*Child's development is a dynamic process and may show variation with time. At present up to now her overall mental and physical development is within normal limits*'. It is important to note that the PAPs have countersigned this Report. Moreover, the Medical Examination Report is placed on record. The HIV report of the minor, dated 30th November 2024, is also placed on record and indicates that the result is negative.

9. As regards the change of name, the PAPs desire that the minor's name Anamika be renamed as "Dhanshika Sachin Sharma."

10. 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 31st March 2026. A copy of the extension order dated 5th December 2025 issued by Department of Women and Child Development, Government of Maharashtra is placed on record.

11. Mr. O. Hareendran, Scrutiny Officer, has tendered a Report/Representation of the 'Indian Council of Social Welfare' dated 12th February 2026 which is taken on record and marked 'X' for identification.

12. Having considered the material on record, as well as the Report of Mr. O. Hareendran, I am of the view that it would be in the interest of the minor that she is adopted by the PAPs.

13. It is relevant to note here that in the case of ***Nisha Pradeep Pandya and Anr v. Union of India***¹, which has considered 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, has passed an interim order and the relevant portion of the said order is reproduced hereunder :

“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

¹ 2023 SCC OnLine Bom 90

this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided.”

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

15. In these circumstances, the following order is passed.

::ORDER::

(i) The present Indian Adoption Petition is allowed in terms of the prayer clauses (a) to (e) which read as under :

“a) That the Prospective Adoptive Parents be given the said child in Adoption and be declared as parents and has all parental legal rights, Privileges and responsibilities over the said minor.

b) That the Prospective Adoptive Parents may be granted leave to remove the said minor from the jurisdiction of this Hon'ble Court and to take the said minor out of the jurisdiction of this Hon'ble Court whenever required.

c) That the concerned Municipal Authority/Birth Certificate issuing Authority may be directed to issue Birth Certificate in the name of the said minor Dhanshika Sharma born on 12/11/2024 and stating that the Prospective Adoptive Parents are as the Parents of the said minor.

d) That the Prospective Adoptive Parents be allowed to change the name of the minor from Anamika to "Dhanshika Sharma" born on 12/11/2024.

e) Pass such other or further orders as it may deem fit and proper on the Facts and in the circumstances of the case.”

- (ii) 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.
- (iii) The Indian Adoption Petition is accordingly disposed of.
- (iv) There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

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