

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

INDIAN ADOPTION PETITION NO. 12 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 -

Ms. Anupama Sagun Dhuri

... Petitioner

And

1. Ms. Vaishali Tayade

aged 47 years, Occupation: Service,

Residing at Sai Poorna Luxuria, T3-709,

Reliable Tranquil Layout, 32/10, Harlakunte

Village, Kudlu Road,

Bangalore - 560102

... Prospective Adoptive Parent

Ms. Aarti Prasad Kulkarni for the 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 : 04th MARCH 2026

ORDER:

1. By this Indian Adoption Petition, the Petitioner and the Prospective Adoptive Parent (**PAP**) has sought the adoption of the female minor named Ishita (**minor**) born on 26th December 2024. The minor was surrendered by her biological mother before the Child Welfare Committee, Mumbai Suburban-I (**CWC**) on 07th January 2025 and her safe custody was given to the Petitioner Institution on the same day as per the order of the CWC 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 13th March 2025 after following the necessary procedure. The required Undertakings and Affidavits have also been tendered and are taken on record.

3. The PAP is an Indian National aged about 47 years, residing at Bangalore, Karnataka with no biological/adopted children.

4. The PAP is employed as a Leader, Software Engineering with Cisco Systems (India) and her annual income for the Assessment Year 2025-26 is stated to be Rs. 63,16,290. On record is her proof of residence and other financial/supporting documents.

5. The Medical Report dated 09th January 2025 of the PAP is on record, and her HIV report shows a negative result.

6. The Home Study Report of the authorities of the Specialized Adoption Agency – Shishu Mandir Children’s Home, Bangalore has found the PAP suitable to adopt a child. The Home Study Report records that the PAP is emotionally stable and well-suited to be entrusted with the adoption and upbringing of the minor. In addition, a Child Security Undertaking executed by the cousin and the wife of the PAP, undertaking to look after the minor in the event of any untoward incident or mishap to the PAP, has been placed on record.

7. The other requisite documents, including the motivation letter submitted by the PAP, her 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 18th 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 his overall mental and physical development is within normal limits’*. It is important to

note that the PAP has countersigned this Report. Moreover, the Medical Examination Report is on record. The HIV Report of the minor, dated 09th January 2025, is also placed on record and indicates that the result is negative.

9. As regards the change of name, the PAP desires that the minor's name Ishita be renamed as "Ishikaa Vaishali Tayade".

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 24th 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, Scrutiny Officer which has been marked 'X', I am of the view that it would be in the interest of the minor that she is adopted by the PAP.

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 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.

¹ 2023 SCC OnLine Bom 90

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

:: ORDER ::

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

“(a) That the Prospective Adoptive Parent be given the said child in Adoption and be declared as the parent having all parental legal rights, Privileges and responsibilities over the said minor.

(b) That the Prospective Adoptive Parent 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 Ishikaa Vaishali Tayade born on 26/12/2024 and stating thereon that the Prospective Adoptive Parent as the Parent of the said minor.

(d) That the Prospective Adoptive Parent be allowed to change the name of the minor from Ishita to "Ishikaa Vaishali Tayade" born on 26/12/2024.”

(ii) It is directed that the Petitioner will obtain a further undertaking from the PAP that she 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 present Indian Adoption Petition is accordingly disposed of.

(iv) There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

Ajay