

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
INDIAN ADOPTION PETITION NO. 22 OF 2026**

Maharashtra State Women's Council Adoption Group,

Address at – Asha Sadan Balgruh,
Asha Sadan Marg, Umerkhadi,
Mumbai - 400009.

Through its Authorised Signatory/Convener –

Mrs. Lalita Godbole

... Petitioner

And

1. Mr. Prasad Pradip Sawant

aged 42 years, Occupation: Self-employed

and

2. Mrs. Asmi Prasad Sawant

aged 42 years, Occupation: Housewife

Both residing at Flat No. 4, Shiv Ganga Apartment,

Salvi Stop, Taluka & District: Ratnagiri,

Ratnagiri – 415612

... Prospective Adoptive Parents

Mrs. Dipal S. Mehta for the Petitioner.

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

Mr. Dilip S. Gurav - Chamber Registrar present.

CORAM : FARHAN P. DUBASH, J.

DATE : 22th APRIL 2026

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Order dated 22nd April 2026

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ORDER:

1. By this Indian Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**PAPs**) have sought the adoption of the male minor named Tanush (**minor**) born on 27th September 2025. The minor was surrendered by his biological mother before the Child Welfare Committee, Mumbai Suburban-I (**CWC**) on 6th October 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 the 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 22nd January 2026 after following the necessary procedure. The required Undertakings and Affidavits have also been tendered and are placed on record.

3. The PAPs are Indian Nationals, residing at Ratnagiri and are aged about 42 years respectively. They have been married for the past 13 years and have no biological children. The PAPs marriage certificate and the letter of motivation has been placed on record.

4. The Prospective Adoptive Father is the owner of Saishwari Fabrications at Ratnagiri and his income for the Assessment Year 2025-26 is stated to be Rs. 7,64,060/-. The Prospective Adoptive Mother is stated to be a homemaker. On record are their proof of residence and other financial/supporting documents.
5. The Medical Report dated 3rd February 2026 of the PAPs is on record, and their HIV reports show a negative result.
6. The Home Study Report of the authorities of the Specialized Adoption Agency – Bharatiya Samaj Seva Kendra, Pune has found the PAPs suitable to adopt a child. The Home Study Report records that the PAPs are 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 Prospective Adoptive Mother's brother and sister-in-law, 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 2nd January 2026, is on record, and it records the health status of the minor as “Normal”. His overall observation report states that ‘*Child’s 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 on record. The HIV Report of the minor, dated 19th December 2025, 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 Tanush be renamed as “Nirved Prasad Sawant”

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 from 1st October 2025 to 30th September 2030. A copy of the Recognition Certificate dated 20th February 2026 of the 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 22nd April 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 as 'X', I am of the view that it would be in the interest of the minor that he 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 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 prayer clauses (a) to (d) which read as under:

“(a) This Hon'ble Court may be pleased to appoint the Co-Petitioners, Prasad Pradip Sawant and Asmi Prasad Sawant as the adoptive parents of the male minor, Tanush @ Nirved Prasad Sawant, in the care of the Maharashtra State Women's Council Adoption Group at Maharashtra State Women's Council Asha Sadan Balgruh. Asha Sadan Marg Umerkhadi, Mumbai - 400 009,

(b) That the Co-Petitioners be allowed to change the name of the minor from 'Tanush' to 'Nirved Prasad Sawant,'

(c) That the Co-Petitioners may be granted leave to remove the aforesaid child from the jurisdiction of this Hon'ble Court and to take the minor along with them, i.e. to the Co-Petitioners' family wherever they may reside or their work may require them to,

(d) That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor within five working days from the date of application of

the Petitioner, as per the provisions of regulation 40 of the Adoption Regulations,

- (ii) It is directed that the Petitioner will obtain a further undertaking 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 present Indian Adoption Petition is accordingly disposed of.
- (iv) There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

Ajay