

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

INDIAN ADOPTION PETITION NO. 25 OF 2026**

Bal Asha Trust, Mumbai,

Address at – Anand Niketan, Dr. E. Moses Road,
Mahalaxmi, Mumbai – 4000 011

Through its Authorised Signatory/Convener -

Mr. Sunil Kumar Arora

... Petitioner

And

1. Mr. Vitthal Motiram Phuse

aged 54 years, Occupation: Self-employed,

and

2. Mrs. Nirmala Vitthal Phuse

aged 50 years, Occupation: Housewife,

Both residing at Plot No. 29 & 30,

Lane No. 1, New Hanuman Nagar, Garkheda,

Parisar, Chhatrapati Sambhajanagar

Maharashtra – 431 009

... Prospective Adoptive Parents

Mr. Rakesh Kapoor for the Petitioner.

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

CORAM : FARHAN P. DUBASH, J.

DATE : 29th APRIL 2026

ORDER:

1. By this Indian Adoption Petition, the Petitioner and the Prospective Adoptive Parents (**PAPs**) have sought the adoption of the male minor named Dilprit Tejbeer Singh (**minor**) born on 14th December 2017. The minor was found abandoned by the Mumbai Central Railway Police Station on 15th October 2024 and his safe custody was given to the Petitioner Institution on the same day as per the order of the Child Welfare Committee (**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 CWC, Mankhurd, Mumbai, declared the minor 'Legally Free for Adoption' by an order dated 15th October 2024 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 Chhatrapati Sambhajinagar, Maharashtra and are aged about 54 and 50 years respectively. They have been married for the past 29 years with no biological children. The PAPs marriage certificate has been placed on record.

4. The Prospective Adoptive Father is a self-employed businessman (Proprietor of Shri Krishna Provision & General Store) and his income for the Assessment Year 2025-26 is Rs. 2,48,000. Apart from the business he also earns Rs. 8,500 per month from rent. 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 5th December 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 Specialized Adoption Agency – Bharatiya Samaj Seva Kendra, Aurangabad 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 niece and her husband, 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 20rd August 2025, is on record, and it records the health status of the minor as “Normal”. His overall observation report states that ‘*Child is playful, enjoys going to school, interacts well and has good communication. At present up to now his 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 8th 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 Dilprit Tejbeer Singh be renamed as “Shiva Vitthal Phuse”.
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 30st March 2026 is placed on record.

11. Mr. O. Hareendran, Scrutiny Officer, has tendered a Report/Representation of the 'Indian Council of Social Welfare' dated 21st 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 '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) That the Prospective Adoptive Parents be given the said Minor Shiva Vitthal Phuse in Adoption be declared as parents and have 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 male minor Shiva Vitthal Phuse born on 14/12/2017 and stating that thereon that the Prospective Adoptive Parents as the Parents of the said minor.

(d) That the Prospective Adoptive Parents be allowed to Change the name of the said minor from Dilprit Tejbeer Singh to "Shiva Vitthal Phuse".

(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.)

Jyoti Pawar

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PRAKASH
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Date: 2026.04.30
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