

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

INDIAN ADOPTION PETITION NO. 26 OF 2026**

Bal Asha Trust, Mumbai,

Address at – Anand Niketan, Dr. E. Moses Road,
Mahalaxmi, Mumbai – 400 011

Through its Authorised Signatory/Convener -

Mr. Sunil Kumar Arora

... **Petitioner**

And

1. Mr. Chetan Arun Dole

aged 37 years, Occupation: Service,

and

2. Mrs. Chhaya Chetan Dole

aged 34 years, Occupation: Housewife,

Both residing at A-705 Kalpak Homes,

Near Solacia Phase II, RMC Garden Road,

Wagholi, Pune,

Maharashtra – 412 207

... **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 Santosh (**minor**) born on 3rd October 2025. The minor was surrendered before the Child Welfare Committee (CWC), Mumbai City – II on 6th October 2025 by the biological parent(s) 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 Mumbai City – II, declared the minor ‘Legally Free for Adoption’ by an order dated 12th 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 Wagholi, Pune, Maharashtra and are aged about 37 and 34 years respectively. They have been married for the past 11 years with no biological children. The PAPs marriage certificate has been placed on record.

4. The Prospective Adoptive Father is working as a Group Manager – IT with Classic Industries and Exports Ltd., Ranjanagaon, MIDC, Pune since 2014 and his monthly gross salary is Rs. 1,14,023. 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 24th 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, 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 brother and sister-in-law of the Prospective Adoptive Mother, 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 10th January 2026, is on record, and it records the health status of the minor as “Normal”. His overall observation report states that ‘*Child has grown well according to his age. 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 16th 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 Santosh be renamed as “Vihaan Chetan Dole”.
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 10th 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.

¹ 2023 SCC OnLine Bom 90

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 Vihaan Chetan Dole 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 Vihaan Chetan Dole born on 03/10/2025 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 Santosh to "Vihaan Chetan Dole".”

(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

JYOTI
PRAKASH
PAWAR

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by JYOTI
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