

Vidya Amin

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

**INDIAN ADOPTION PETITION NO. 74 OF 2019
WITH
JUDGE'S ORDER NO. 229 OF 2019**

St. Catherine's Home	... Petitioner
V/s.	
Dinesh Ganpatrao Mohite and Jayshree Dinesh Mohite	... Proposed Adoptive Parents

Mr. Rakesh K.L. Kapoor for the petitioner.
Mr. O. Hareendran, Scrutiny Officer present.

**CORAM : G.S.KULKARNI, J.
DATE : 3 January 2020**

PC.:

This Indian Adoption Petition is filed under sections 56 and 58 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (for short "J.J. Act") by the St. Catherine's Home, part of St. Catherine's Society at Veera Desai Road, Andheri (West), Mumbai, being the petitioner, along with Mr. Dinesh Ganpatrao Mohite and his wife Mrs. Jayshree Dinesh Mohite, aged 43 and 40 years respectively, presently residing at Bldg. 42, R. No. 1504, Rajshree Orchid, Mayur CHS., Pantnagar, Ghatkopar (East), Mumbai, being the proposed adopters praying for adoption of minor female child "Geetika" born on 9 June 2019.

2. On 13 June 2019. minor Geetika was surrendered by her biological mother before the Child Welfare Committee II, Mumbai Suburban District and was admitted to the petitioner-institution on the same day as per the order of Placement passed by the Child Welfare Committee dated 20 June 2019 under section 36 of the Juvenile

J.J. Act. and Rule 18 and 19 of the Model Juvenile Justice Rules, 2016. Thereafter, an enquiry was undertaken by the Child Welfare Committee as per provisions of Section 38 of J.J. Act and in pursuance thereto by an order dated 30 August 2019, the Child Welfare Committee declared minor Geetika legally free for adoption. The copy of the said order is placed on record.

3. In so far as the adoptive parents are concerned, they are married for the past 18 years (date of marriage is 19 May 2001) with one biological daughter named 'Kripa' aged 14 years. The birth certificate of daughter Kripa along with her medical certificates and her consent letter agreeing for adopting is placed on record. The family photograph is also placed on record at page 104.

4. The adoptive parents were present in the Court today. I had an interaction with the adoptive parents and more particularly on reading their motivation letter, as annexed to the petition. It appears that the adoptive parents were quite determined right from the beginning to have another child in adoption. They had accordingly visited several adoption homes and had studied on their future plans to take another child in adoption. They were also motivated by a book titled as "Bal Anand (Umang)", which was received by them from Bal Anand Ashram. The positive approach of the adoptive parents is also required to be commended, they have been celebrating birthday of their biological daughter and other family celebrations in different adoption homes, which clearly indicate their thinking on such children, culminating into a desire to have a child in adoption. It needs to be

further appreciated that despite the fact they have a biological girl child, they decided to adopt another girl child. This is the approach which needs to be cultivated in a society which is mostly said to be dominated by patriarchy.

5. There is a decision of the Adoptive Committee dated 8 October 2019 on record which states that the adoptive parents are suitable to adopt child Geetika. Also there is an affidavit of the Chief Functionary of the petitioner supporting the averments as made in the petition.

6. In so far as the adoptive father is concerned, he is a businessman. There is a family business of rubber parts in the name and style of “Mohite Enterprises” at Masjid Bunder, Mumbai. The income affidavit and income-tax return of the adoptive father for the assessment years 2017-18, 2018-19 and 2019-20 are placed on record. I had enquired from the adoptive father about the nature of the business. All questions posed to him in regard to his involvement and the nature of family business are satisfactorily answered by him. The adoptive mother is also a partner in one Jijai Corporation and her income tax-return for assessment years 2017-18, 2018-19 and 2019-20 are also placed on record. Considering the combined income and more particularly the fact that they have a settled family business, in my opinion, financially they are in a sound condition to take care of the adoptive daughter. The other credentials, namely, pancard, proof of residence and other supportive financial documents are also placed on record.



7. There is a home study report Part I : Self-assessment by the adoptive parents. The home study report Part II Assessment report is by social workers Ms. Vananda Patil and Ms. Vijayalaxmi Amballa dated 3 July 2017 of the Worldchildren Welfare Trust India. The report also recommends adoption of a child by the adoptive parents. There is nothing adverse in the report. This report also records that both the adoptive parents are happily married since last 15 years. They share a bond of love, care, understanding and friendship. They are financially stable. They own a house at Ghatkopar, Mumbai. They have a joint family which has openness to adoption.

8. There is also a child security undertaking dated 14 October 2019 furnished by Mr. Subhash D. Mohite, brother and Mrs. Mayura S. Mohite, sister-in-law of the adoptive father, who are residing at Ghatkopar to look after the minor girl in case of any unfortunate mishap to the prospective adoptive parents.

9. The medical reports of the adoptive parents dated 18 October 2019 are on record . There is no abnormalities in this report. Their HIV I and II and Hepatitis B test report are also certified to be non-reactive.

10. As regards the medical examination of the minor Geetika dated 20 September 2019, it records that minor “Geetika is active child”. Her medical report has been examined by adoptive parents and they have counter signed the same. The HIV report of the proposed minor dated 19 June 2019 certifies the case as “Negative”.

11. The photograph of the adoptive parents along with biological daughter Kripa and also the photograph of minor Geetika to be taken in adoption are also placed on record.

12. There is also a joint consent and willingness of the adoptive parents recording that they are willing to be appointed or declared adoptive parents of minor Geetika.

13. There is also a pre-adoption foster care undertaking dated 14 October 2019 on record and in pursuance thereto since last two months, minor Geetika is in the foster care of the proposed adoptive parents.

14. An undertaking dated 18 October 2019 is placed on record by the authorities of Bal Anand, Worldchildren Welfare Trust India, Chembur, Mumbai for furnishing post adoption follow up reports.

15. It is also on record that a petitioner-institution, who is recognized by the Department of Women & Child Development, Government of Maharashtra to place children in adoption which was valid for a period upto 24 April 2020.

16. The adoptive parents were very happy with their decision to take minor child in adoption. They have decided to change the name of minor from “Geetika” to be renamed as **“Adhira Dinesh Mohite”**.

17. I have also gone through the report of Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare Central Office, Bombay, marked as “X” which also does not indicate adversity and would recommend adoption of minor child.

18. Having perused the averments as made in the petition and having gone through the documents as placed on record, in my opinion, it would be in the paramount interest of the minor that she be granted in adoption to the adoptive parents.

19. The petition is accordingly allowed in terms of prayer clauses (a), (b), (c) and (d) which read thus:-

“(a) That the Prospective Adoptive Parents be given the said child in adoption be declared as parents and have all parental legal rights, privileges and responsibilities over the said minor **Adhira Dinesh Mohite**.

(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 Adhira Dinesh Mohite born on 09.06.2019 and stating 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 minor from Geetika to Adhira Dinesh Mohite born on 09.06.2019.”

20. The adoptive parents have agreed to open a Single Premium LIC Policy in the name of minor Geetika for an amount of Rs.1,50,000/- (One Lakh Fifty Thousand only), having its maturity on the minor attaining the age of majority. The LIC policy be taken out within two months from today. Copy of the LIC Policy be placed on

record within three months from today.

21. Judge's Order is separately signed and be read accordingly alongwith this order.

22. The adoptive parents are directed not to give minor in further adoption to any other person without the leave of the Court.

23. Petition is disposed of in the above terms. No costs.

24. Office to issue certified copy of this order alongwith the Judge's order within two weeks from today.

(G.S.KULKARNI, J.)