



ide

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
AND  
IN ITS GENERAL AND INHERENT JURISDICTION  
  
INDIAN ADOPTION PETITION NO. 20 OF 2023  
WITH  
JUDGE'S ORDER NO. 38 OF 2023  
IN  
INDIAN ADOPTION PETITION NO. 20 OF 2023

**Bal Asha Trust, Mumbai**

**...Petitioner**

***Versus***

1.  
2.

**...Prospective  
Adoptive Parents /  
Respondents**

-----

Mr. Rakesh Kapoor i/b. M/s. Rakesh K. L. Kapoor & Co. for the  
Petitioner.

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare  
present.

Mr. Dilip S. Gurav, Chamber Registrar present.

Mr. Sunil Kumar Arora, Executive Director of Bal Asha Trust, Mumbai  
present.

-----

**CORAM : R.I. CHAGLA J**

**DATE : 25 January 2024**

**ORDER :**

1. This Application is made by way of Affidavit dated 19<sup>th</sup>  
December 2023 which is taken on record. By the said Affidavit, the

relief has been sought with regard to annulment of Adoption order passed by this Court on 17<sup>th</sup> August 2023, and for directions to the Central Adoption Resource Authority (CARA) to re-register XXX (“the said male minor child”) as ‘Free for Adoption’ for identifying suitable prospective adoptive parents at the earliest. Further direction has been sought with regard to the investment of Rs.2,00,000/- which has been made in the said male minor child’s name for his benefit by the said adoptive parents as directed by this Court vide order dated 17<sup>th</sup> August 2023.

2. Mr. O. Hareendran, Scrutiny Officer has tendered the Report of the Indian Council of Social Welfare dated 16<sup>th</sup> January 2024 which is taken on record and marked ‘x’ for identification.

3. By order dated 17<sup>th</sup> August 2023, this Court had granted adoption of the said male minor child to the adoptive parents by Judge’s Order No.38 of 2023 in Indian Adoption Petition No.20 of 2023. This was pursuant to a joint Petition filed by the Specialized Adoption Agency (Petitioner-Institution) and the said adoptive parents.

4. Thereafter, the said male minor child’s physical custody

was given to the adoptive parents after the adoptive parents had completed all due procedures under Adoption Regulations Chapter III.

5. In the said Affidavit dated 19<sup>th</sup> December 2023 filed and affirmed by Mr. Sunil Kumar Arora, Executive Director of Bal Asha Trust (Petitioner-Institution), it is stated that 5 months after the adoption Petition was allowed on 17<sup>th</sup> August 2023, the adoptive parents complained to the Petitioner-Institution about uncontrollable bad behaviour and habits of the said male minor child.

6. The Petitioner-Institution advised the adoptive parents to undergo counseling sessions in order to understand the said male minor child's behavioural issues better and try remedial measures to address the alleged behavioural issues of the said male minor child. The Petitioner-Institution had informed all the concerned authorities i.e. the Central Adoption Resource Authority (CARA), State Adoption Resource Authority (SARA), District Child Protection Unit (DCPU), and Specialized Adoption Agency (SAA) who prepared home study report by email dated 19<sup>th</sup> October 2023 about the adoptive parents' inability to keep and take care of the said male minor child.

7. Thereafter, as per the instructions of the Petitioner-Institution the adoptive parents underwent their first Counseling Session with the Counselor of Specialized Adoption Agency “Bharatpuria Shiksha Samiti” Ghaziabad, U.P. on 28<sup>th</sup> October 2023. In this counseling session, the adoptive parents informed that they observed the overeating behaviour of the said male minor child and found that the said male minor child was picking food from the dustbin etc. After this incident, they took the said male minor child to the pediatrician and the Doctor suggested few blood tests. They conducted all the blood tests and it has been revealed that the said male minor child has borderline levels of Leptin and Diabetes. Further, the Doctor opined that the said male minor child may be suffering from obesity and other health issues related to diabetes. The first counseling session and blood test reports have been placed on record at page nos.13 to 28 to the said Affidavit.

8. The second counseling session took place on 18<sup>th</sup> November 2023 and the Counselor found that the adoptive parents are not ready to keep the said male minor child as their own and take necessary remedial measures to rectify certain eating habits of child. The Counselor also found the adoptive parents do not have emotional bonding with the said male minor child, though the child is fond of

the adoptive parents and their seven year biological daughter who is an elder sibling. The second counseling report has been placed on record at page nos.29-31 to the said Affidavit.

9. On 2<sup>nd</sup> December 2023, the said adoptive parents have executed an Affidavit stating *interalia* that “We have not bonded with the child, hence we would like to return the child”. In the said Affidavit, the adoptive parents have stated that they are ready to follow the CARA Regulations and orders of this Court and authorities for the dissolution of this adoption. The said Affidavit has been placed on record at page nos.32-35 to the said Petition.

10. Thereafter, the said male minor child was brought back to the Petitioner Institution on 18<sup>th</sup> December 2023 by the adoptive parents.

11. The Petitioner Institution by the said Affidavit is seeking annulment of the order passed by this Court on 17<sup>th</sup> August 2023 for the best interest of the said male minor child and permitting CARA and the Petitioner-Institution to commence the process of finding another adoptive home for the said male minor child in accordance with the procedure under the Adoption Regulations.

12. Having considered the averments in the said affidavit as well as the report of Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare, dated 16<sup>th</sup> January 2024 which is marked 'x' for identification, I am of the considered view that it would be in the interest of the said male minor child that the adoption order dated 17<sup>th</sup> August 2023 is annulled and consequential reliefs sought for in the said Affidavit are granted.

13. In view thereof, the following order is passed;

- (i) The order dated 17<sup>th</sup> August 2023 which has allowed the Indian Adoption Petition No.20 of 2023 is recalled and adoption of the said male minor child is accordingly annulled.
- (ii) The Central Adoption Resource Authority (CARA) is directed to re-register the said minor male child as 'Free for Adoption' for identifying suitable prospective adoptive parents at the earliest.
- (iii) The investment of Rs.2,00,000/- which has been made in the said minor male child's name for his benefit by

the prospective adoptive parents as directed by this Court vide order dated 17<sup>th</sup> August 2023, shall be returned to the prospective adoptive parents.

- (iv) The adoptive parents are directed to return to the Petitioner-Institution all the original reports and/or any other original documents pertaining to the said male minor child immediately.
- (v) This order is passed in the disposed of Indian Adoption Petition No.20 of 2023.
- (vi) Parties to act on an authenticated copy of this order.

**[R.I. CHAGLA J.]**