



Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INDIAN ADOPTION PETITION NO. 53 OF 2018
WITH
JUDGE'S ORDER NO. 110 OF 2018**

Sebastio Anthony Fernandes & Mary Sebastio
Fernandes

...Petitioner

And

Nolen Alias Elvis Sebastio Fernandes, son of
Navin Chinnappa Das & Helen Das

...Minor

Mr Vincent Elias Pereira, for the Petitioner.

Mr O Hareendran, Scrutiny Officer, ICSW, is present.

CORAM: G.S. PATEL, J

DATED: 20th June 2018

PC:-

1. The minor Elvis was born on 5th December 2003. His parents handed over him to the two Petitioners when Elvis was nine months old. The biological parents are the brother and sister-in-law of the 2nd Petitioner, Mary Sebastio Fernandes.

2. The Petitioners then filed a Guardianship Petition on 13th October 2015 in this Court. Guardianship Petition No. 18 of 2015 was allowed on 10th February 2016.

3. The present Adoption Petition is brought after the period of two years specified in the judgment dated 27th October 1999 (FI Rebello J).¹ I have earlier held that this period of two years is not inflexible. However, in the present case there is no request for a reduction in that period.

4. The Petitioners are Catholics. They live in Vikhroli. They are 49 years old. They have been married for the past 21 years. They have no children of their own. Both Petitioners are in good physical health. The 1st Petitioner father works as Cabin Steward with Fleet Maritime Services International Limited. He has a gross salary of over Rs. 1 lakh. The 2nd Petitioner is a home maker. They have invested Rs 1,90,550/- in the name of child in LIC's Jeevan Shikhar as directed in the Guardianship Petition order.

5. The health report of Elvis is positive and he is in a good physical and mental condition. The ICSW representative has made a home visit to the adoptive family. The report says that Elvis is now very much part of that family and is well integrated into it. He is studying in 10th standard.

6. I have seen the scrutiny report presented by Mr O Hareendran, Scrutiny Officer of the Indian Council of Social Welfare which is on record.

7. In my view, the Petition must be allowed.

1 2000 All MR 39.

8. The Judge's Order, as slightly corrected is separately signed. Corrections has been carried out by Mr Paranjape.

9. The Registry will get the Petition with all its annexures and all orders, including the signed Judge's Order, scanned. These digital copies are to be preserved. A soft copy may be given to the Advocate for the Petitioner free of cost on a pen drive provided by the Advocate for the Petitioner for the same. The Registry will ensure that the scan of the Judge's Order is a properly calibrated colour scan.

(G. S. PATEL, J)