

O.P.No.104 of 2015**R.SUBBIAH, J**

This petition has been filed under Section 41(6) of the Juvenile Justice (Care and Protection of Children) Act 2000 (as amended by Act 33 of 2006) read with Clause 17 of the Letters Patent to appoint the petitioners as adoptive parents of the person of child Sara and grant leave to them to take legal custody of the child for being brought up and maintained by them in United Kingdom.

2. The case of the petitioners in brief is as follows:-

(a) The Holy Apostles Convent, St. Thomas Mount, Chennai - 16 was registered under the Juvenile Justice Act under Proc. Roc.No.9861/CW-2/2010, dated 19.12.2011 and the said recognition by the Director of Social Welfare, Chepauk, Chennai -5, expired on 30.12.2014. The Home has applied for renewal of registration and the same is under process before the District Social Welfare Officer, Kancheepuram. The State recognition given under Certificate No.3/2013, dated 08.11.2013 is valid until 22.04.2018. The Home is also recognised by CARA under recognition No.14-3/2001-CARA, dated 13.02.2012 to do inter-country adoptions. The said recognition is

indefinite. Since there is a valid State recognition, the Home is permitted to process the papers on behalf of the petitioners.

(b) The female child Sara, said to have been born on 20.06.2012, was left abandoned in the Government Hospital, Peramballur. The District Social Welfare Officer, in his letter, dated 20.07.2012 handed over custody of the said minor to the Holy Apostles Convent the same day. Accordingly, the minor is in the care of Holy Apostles Convent, St. Thomas Mount Babies Home, Chennai - 16. The said minor was declared as an abandoned child legally free for adoption by the Child Welfare Committee, Chengalpattu, by its order in D.C.C.P.No.32, dated 21.08.2014. Since no Indian placement was possible, the said Society decided to give the said minor to foreign parents in inter-country adoption. The minor Sara is now aged about 2 years and 6 months.

(c) The first petitioner married one Mrs.Nancyann Rutledge, who was earlier married with 2 children. He had no children through the said Nancyann Rutledge. Their relationship did not last long. A divorce decree was passed on 15.03.1992. Thereafter, the first petitioner married the second petitioner on 01.10.2004. Since they do not have a

biological child, they approached the Adoption Agency in United Kingdom, Intercountry Adoption Centre, 22 Union Street, Barnet, Hertfordshire EN5 4HZ. The said foreign Agency investigated the entire life history of the petitioners and after perusing all the documents, approved their application and declared them as suitable adoptive parents and competent couple to adopt a child.

(d) The first petitioner is currently employed at Cognizant Technology Solutions as IT Executive (Practice Head for UK and Nordics). His annual salary is 24,046 Euro Dollars. The petitioners have immovable, movable properties, Bank Accounts and investments worth 755,987 Euro Dollars. The petitioners are affluent and have sufficient means to bring up, maintain and educate the minor Sara after adoption. The petitioners will take leave in turns to stay at home and look after the minor till she goes to school. Their relationships are very cordial and they have a good status in society. Hence, the petition.

3. Heard the learned counsel appearing for the petitioners.

4. The petitioners' power agent examined herself as P.W.1. In her evidence, she has reiterated what are all stated in the petition.

She is the Secretary of the Holy Apostles Convent and Superintendent of St. Thomas Mount Babies Home. Her evidence shows that the child Sara is an abandoned child.

5. While deposing, the power agent marked 16 documents as Exs.P.1 to P.16. Ex.P.1 is the original power of attorney dated 29.10.2014 executed by the petitioners in favour of P.W.1. Ex.P.2 is the Home study report, dated 29.10.2014 in respect of the petitioners. Ex.P.3 series (2 nos) are the original child study report along with Medical Report both, dated 29.10.2014. Ex.P.4 is the original joint declaration of consent and willingness of the petitioners, dated 29.10.2014 to adopt the minor Sara. Ex.P.5 is the photocopy of the letter of Transfer by District Social Welfare Officer to Holy Apostles Convent, dated 20.07.2012. Ex.P.6 is the photocopy of the order by Child Welfare Committee order, dated 21.08.2014. Ex.P.7 series (2 nos) are the Original Birth Certificates of the petitioners, dated 29.10.2014. Ex.P.8 series (2 nos) are the original Marriage Certificate and original Divorce Decree, dated 29.10.2014. Ex.P.9 series (2 nos) are the Health Certificates of the petitioners, dated 29.10.2014. Ex.P.10 series (5 nos) are the original financial statement, salary certificate of the second petitioner, salary certificate of the first

petitioner, Bank certificate and assets and liabilities statement, dated 29.10.2014. Ex.P.11 series (2 nos) are the original Police clearance certificates in respect of the petitioners, dated 29.10.2014. Ex.P.12 series (4 nos) are the original recommendation letters, dated 29.10.2014. Ex.P.13 is the photograph of the minor Sara (CD). Ex.P.14 is the photo copy of the No Objection Certificate issued by Central Adoption Resource Authority, dated 26.12.2014 in respect of adoption of the minor child Sara. Ex.P.15 is the photo copy of the CARA Recognition, dated 13.02.2012. Ex.P.16 is the certificate of registration under Juvenile Justice (Care and Protection of Children) Act, dated 05.02.2015.

6. The power agent had given evidence to the effect that adoption of the child concerned in this case by the petitioners would be in the best interest and welfare of the child itself.

7. The materials placed before this Court definitely show that the child is an abandoned child and her welfare definitely deserves the petitioners being appointed as adoptive parents and being given to them as their adoptive child. I am satisfied that it will be most beneficial to the child, if the petitioners are appointed as the adoptive parents.

8. Accordingly, this original petition is ordered as prayed for, subject to the following conditions:-

(i) The petitioners are hereby appointed as adoptive parents of the female child Sara, whose photograph is duly attested and annexed hereto, as per Section 41(6) of the Juvenile Justice Act of 2000 as amended by Act 33 of 2006.

(ii) The female child Sara is entitled to the legal status of a biological child with all the rights of succession and inheritance.

(iii) The petitioners are permitted to take physical custody of the female child Sara for being taken outside India, outside the jurisdiction of this Court for being brought up and maintained by them in their home town at 30, Overstone Road, London, W6 0AA, United Kingdom.

(iv) The petitioners shall submit periodical reports regarding the welfare of the child at the intervals of three

months in the first two years and at the intervals of six months for the succeeding three years to the Court.

(v) The child shall be accompanied by a responsible adult.

(vi) The authority concerned shall issue necessary passport and travel documents to facilitate the travel.

24.02.2015

tsvn

Note to Office :
Issue order copy on 26.02.2015.

R.SUBBIAH, J

tsvn

O.P.No.104 of 2015

24.02.2015