

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 30th DAY OF JUNE 2015

THE HON'BLE MR. JUSTICE K.RAVICHADRABAABU

O.P. No.359 of 2015

In the matter of the minors
Anton Charles born on
25.06.2010, male and Judy
Mystica born on 05.07.2011,
female, (Siblings) Indians,
abandoned.

1.Mr.A.Philip Nicholas Alex
2.Mrs.G.prameela @ Stanis Prameela
residing at Flat No.GD, Senthil Apartments,
Phase 1,
Shravan street,
V.G.P.Nagar, Mogappair West,
Chennai-600 037. ..Petitioners

Original Petition praying that this Hon'ble Court be
pleased to pass an order :-

a)That the petitioners be appointed as the adoptive
parents of the person of the minors Anton Charles and Judy
Mystica (Siblings) as per Section 41(6) of the Juvenile
Justice Act of 2000 as amended by Act 33 of 2006.

b)That the minor Anton Charles and Judy Mystica
(Siblings) be entitled to the legal status of a biological
children with all the rights of succession and inheritance,

c)That the date of birth of the minor male child,
Anton Charles be declared as 25.06.2010 and that of the
female child Judy Mystica as 05.07.2011 (Siblings)

This Original Petition coming on this day before this court for hearing the court made the following order:

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 the adoptive parents of the minors Anton Charles and Judy Mystica, for a further declaration that the minors Anton Charles and Judy Mystica are entitled to the legal status of a biological child with all the rights of succession and inheritance and also seeking declaration that the Date of Birth of minor male child Anton Charles as 25.06.2010 and that of the minor female child Judy Mystica as 05.07.2011.

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

The first petitioner is a Civil Judge, Judicial Magistrate, First Class and is working as a Registrar of the Court of Small Causes, Chennai and the second petitioner is the wife of the first petitioner. They got married on 03.05.2004 and they have no children and they decided to go in for adoption. They approached the Holy Apostles Convent, St. Thomas Mount Babies Home for adoption. St. Thomas Mount Babies Home is one of the activities of the Society of the Holy Apostles Convent, which is registered under the Juvenile Justice Act and the said recognition is valid till 04.02.2020. The social worker of the Home visited the petitioners' family and after investigation, prepared a Home Study Report dated

16.01.2015. The St. Thomas Mount Babies Home, after being satisfied about the social status, financial conditions of the petitioner and their earnest in having children of their own, has consented to give siblings named Anton Charles, male and Judy Mystica, female to the petitioners. The male child Chandru was born on 25.06.2010 and the female child Mahalakshmi was born on 05.07.2011 and were handed over on 04.09.2014 to the Holy Apostles Convent, St. Thomas Mount Babies Home, St. Thomas Mount, Chennai by the Child Welfare Committee members, Chengalpattu. The minor Chandru was declared as an abandoned Child legally free for adoption by the Child Welfare Committee vide proceedings dated 17.04.2015 made in D.C.C.P.No.06/2015 and the minor Mahalaskhmi was declared as an abandoned child legally free for adoption vide proceedings dated 17.04.2015 made in D.C.C.P.No.07/2015. The minors were handed over to the petitioners under Foster Care Agreement on 27.04.2015 and the male child was renamed as Anton Charles and the female child was renamed as Judy Mystica and the petitioners are having physical custody of the minors since 27.04.2015.

3. Heard the learned counsel appearing for the petitioners.

4. The first petitioner examined himself as PW1 and marked Exs.P1 to P7, which are as follows:

Ex.P1 is the original Home study report dated 16.01.2015.

Ex.P2 (Series 3 Nos.) are the photocopies of the School Certificates of the petitioners showing the date of birth as 01.05.1996 and 18.06.1987.

Ex.P3 is the original Marriage Certificate of the petitioners dated 11.11.2007.

Ex.P4 series (2 Nos.) are the Original Health Certificates dated 15.12.2014 in respect of both the petitioners.

Ex.P5 is the original Pay Certificate dated 01.12.2014 of the 1st petitioner for the month of November 2014.

Ex.P6 is the consent and willingness of both the petitioners to act as adoptive parents of the minor children, namely Anton Charles and Judy Mystica dated 23.04.2015.

Ex.P7 series (3 Nos.) are the original recommendation letters in respect of both the petitioners dated 20.04.2015 and 24.04.2015.

5. The secretary of the Holy Apostles Convent was examined as PW2 through whom Exs.P8 to P12 were marked, which are as follows:

Ex.P8 Series (2 Nos) are the photocopies of the Letter of Transfer by Child Welfare Committee to Holy Apostles Convent dated 13.01.2014.

Ex.P9 series (2Nos.) are the photocopy of CWC Order dated 17.04.2015.

Ex.P10 Series (4 Nos.) are the original Child Study and Medical Reports dated 23.04.2015 in respect of minors children namely Anton Charles and Judy Mystica.

Ex.P11 is the photographs of minors with CD.

Ex.P12 is the photocopy of the Certificate of Registration dated 05.02.2015 given to Holy Apostles Convent, St.Thomas Mount, Chennai.

6. In consideration of the facts and circumstances of the case and upon hearing the learned counsel for the petitioners and from the evidence both oral and documentary, this Court is of the view that the petitioners are the fit and proper persons to be appointed as Adoptive parents of the minors Anton Charles and Judy Mystica.

7. 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 minor male child Anton Charles and minor female child Judy Mystica, as per Section 41(6) of the Juvenile Justice Act of 2000 as amended by Act 33 of 2006.

and

(ii) The minors Anton Charles and Judy Mystica are entitled to the legal status of a biological

child with all the rights of succession and inheritance.

sd/.K.R.C.B.J

30.06.2015

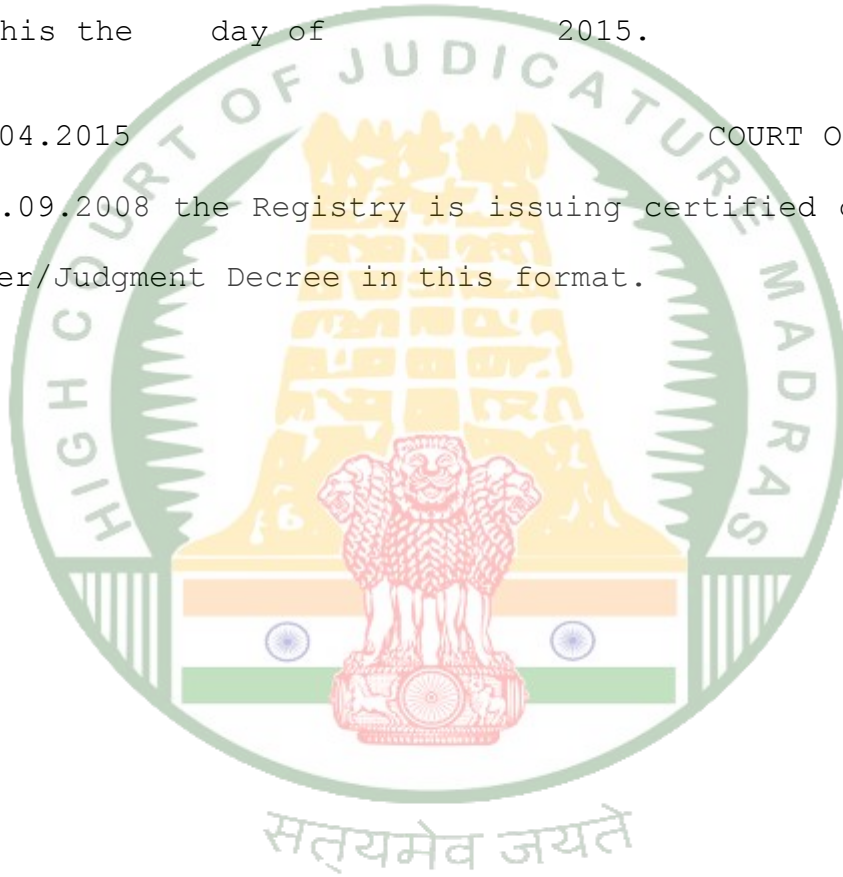
//Certified to be a true copy//

Dated this the day of 2015.

R.s/08.04.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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