

O.P.No.522 of 2015**K.RAVICHANDRABAABU.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 the adoptive parents of the person of minor Merlyn, for a further declaration that the minor Merlyn is 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 Merlyn as 28.03.2013.

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

The first petitioner is working as Office Assistant in Don Bosco Higher Secondary School, Chennai and the second petitioner is the wife of the first petitioner. They got married on 04.11.2001 and they have no children and they decided to go in for adoption. They approached the St. Thomas Mount Babies Home for a child 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 26.10.2014. The St. Thomas Mount Babies Home, after being satisfied about the social status, financial conditions of the petitioners and their earnest in having a child of their own, has consented to give a female child named Merlyn to the petitioners. The said female child is said to have born on 28.03.2013 and was handed over by the Government Hospital, Mundiambakkam to the Holy Apostles Convent, St. Thomas Mount Babies Home on 17.10.2014, as per the directions of the District Social Welfare Officer, Villupuram. The Home named the minor as Pooja and the minor was declared as an abandoned child legally free for adoption by the Child Welfare Committee, Chengalpattu through proceedings dated 05.06.2015. The minor was handed over to the petitioners under Foster Care Agreement on 02.07.2015 and the petitioners are having physical custody of the minor since 02.07.2015 and they do not have any adverse interest against the minor. It is further stated that minor Merlyn has not been adopted by any Court and that no application has at any time been made to this Court or any other Court with regard to the adoption of the said minor. It is stated that the name of the minor as Pooja was re-named as minor Merlyn by the petitioners when they gave their consent and willingness to adopt him. Such fact is evident from the proof affidavit filed by the secretary of the Holy Apostles Convent dated 22.07.2015.

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 of the petitioners dated 26.10.2014.

Ex.P2 (Series 2 Nos.) are the photocopies of School Certificates dated 22.03.2011, 25.05.1994 of the petitioners showing the date of birth (marked after comparing and verifying with original).

Ex.P3 is the original Marriage Certificate of the petitioners dated 02.08.2014.

Ex.P4 series (2 Nos.) are the Original Health Certificates in respect of both the petitioners dated 12.08.2014.

Ex.P5 is the original salary certificate of the 1st petitioner dated 05.08.2014.

Ex.P6 is the original consent and willingness of both the petitioners to act as adoptive parents of the minor dated 19.06.2015.

Ex.P7 series (3 Nos.) are the original recommendation letters dated 15.9.2014 in respect of both the petitioners."

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 is the photocopy of Letter of Transfer dated 04.04.2013 by the District Social Welfare Officer, Villupuram to the Holy Apostles Convent. (marked after comparing and verifying with original)

Ex.P9 is the photocopy of CWC Order dated 05.06.2015. (marked after comparing and verifying with original)

Ex.P10 (series 2 Nos.) are the Original Child Study and Medical Reports dated 19.06.2015 in respect of minor child Merlyn.

Ex.P11 is the photograph of minor child Merlyn along with C.D.

Ex.P12 is the photocopy of the Certificate of

(marked after comparing and verifying with original)."

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 minor child Merlyn.

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 female minor child Merlyn, as per Section 41(6) of the Juvenile Justice Act of 2000 as amended by Act 33 of 2006.

and

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

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