

O.P.No.79 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 Rishi, born on 20.08.2008; that the minor Rishi, be entitled to the legal status of a biological child with all the rights of succession and inheritance; that the petitioners be permitted to take physical custody of the minor Rishi, whose Date of Birth is 20.08.2008 for being taken outside India, outside the jurisdiction of this Court for being adopted, brought up and maintained by them in their home town at R/o : 4795, Holland Drive, Troy, Michigan 48085, Oakland, U.S.A; that the Minor Rishi may be accompanied by a escort to reach the petitioners house at R/o : 4795, Holland Drive, Troy, Michigan 48085, Oakland, U.S.A.

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

(a) The Power of Attorney Holder Mrs.Sheela Jayanthi is working as Director of Karna Prayag Trust, which is a child welfare organisation, having its Registered Office at No.10, Raja Krishna Road, Teynampet, Chennai - 600 018. Recognition has been

given to the said Institution for dealing in Inter Country Adoption, vide Certificate No. RIPA-02/2014, dated 06.01.2014.

(b) The minor child above named born on 20.08.2008 and abandoned. The said minor child was declared as abandoned and free for adoption by the Child Welfare Committee, Chennai-10, by its Order, dated 23.01.2009. The child was transferred to Karna Prayag Trust, Chennai-18, by the Commission of Social Welfare Commissionerate of Social Welfare, Chindadripet, Chennai-2 on 19.09.2014. CARA has issued No Objection Certificate on 17.10.2014. Now the child is about six years and three months old.

(c) The Date of Birth of the first petitioner is 28.05.1960 and that of the second petitioner is 06.07.1966. The first petitioner is an OCI Card holder and the second petitioner is an Indian Passport holder. They are Indians by origin and got married on 14.06.1989 at T.Nagar, Chennai-17, India. They do not have biological child. So they adopted a female child Samiksha from India on March 2013. Since they are Indians by origin, they wanted their second child to be adopted from India and decided to adopt minor Rishi. They believe that they have much to offer a child, including their home, love and ability to financially care for a child.

(d) The first petitioner is a full-time Professor of Management Information Systems at Oakland University in the School of Business Administration and his income is \$ 134,318.00 (Rupees Eighty Two lakhs sixty thousand five hundred and fifty seven only) as on 10.11.2014 taken from currency exchange rates in internet. The second petitioner is a home maker. The financial position of the petitioners is good. They are owners of their home. They have total assets in the amount of \$ 1,536,693. Petitioners also submitted a Home study Report conducted by Children's Home Society of Minnesota, U.S.A.

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 Director of Karna Prayag Trust. Her evidence shows that the child Rishi is an abandoned child.

5. While deposing, the power agent marked 15 documents as Exs.P.1 to P.15. Ex.P.1 is the original power of Attorney Deed, dated 22.07.2014 executed by the petitioners in favour of P.W.1.

Ex.P.2 is the photo copy of Certificate of Recognition by CARA, dated 06.01.2014. Ex.P.3 is the photo copy of certificate of Recognition Form B, dated 27.05.2003. Ex.P.4 is the Original CWC Clearance, dated 23.01.2009. Ex.P.5 is the original child study Report. EX.P.6 is the photo copy of No Objection Certificate from CARA, dated 17.10.2014. Ex.P.7 is the original Home Study Report, dated 28.05.2013. Ex.P.8 is the original Marriage Certificate, dated 08.10.2013 of the petitioners. Ex.P.9 is the original Marriage Certificate of the Adoptive parents, dated 08.10.2013. Ex.P.10 is the original Employment and Income Certificate of the Adoptive Father, dated 09.10.2013. Ex.P.11 is the original Declaration of Willingness of the Adoptive parents, dated 22.07.2014. Ex.P.12 is the original Agency undertaking, dated 22.07.2014. Ex.P.13 is the original Police clearance for the Adoptive parents, dated 22.07.2014. Ex.P.14 is the original order of Adoption in respect of minor child Samiksha, dated 01.03.2013. Ex.P.15 is the original photograph of the minor Child, Rishi along with CD.

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 his 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 male child Rishi, 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 male child Rishi 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 male child Rishi for being taken outside

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India, outside the jurisdiction of this Court for being brought up and maintained by them in their home town at R/o : 4795, Holland Drive, Troy, Michigan 48085, Oakland, U.S.A

(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.

12.03.2015

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