

O.P.No.80 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 Smrithi @ Ria Smrithi Hengen, born on 05.11.2012; that the minor Smrithi @ Ria Smrithi Hengen, 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 Smrithi @ Ria Smrithi Hengen, whose Date of Birth is 05.11.2012 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 : Barthelsmuhlrig 26A, 76870 Kandel, Germany; that the minor Smrithi @ Ria Smrithi Hengen may be accompanied by a escort to reach the petitioners house at R/o : Barthelsmuhlrig 26A, 76870 Kandel, Germany.

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 05.11.2012 and abandoned was handed over by the constable of F-7 Egmore Police Station, which is inside the Govt. Women's & Children's Hospital, Egmore to Karna Prayag Trust, Chennai - 18 on 22.12.2012. The above said child was declared as abandoned and free for adoption by the Child Welfare Committee, Chennai-10, by its Order, dated 05.11.2013. CARA has issued No Objection Certificate on 26.12.2014. Now the child is about two years and two months old.

(c) The Date of Birth of the first petitioner is 06.09.1975 and that of the second petitioner is 07.07.1978. The first petitioner is a German citizen and the second petitioner is a German citizen with OCI (Overseas Citizenship of India) card. They got married on 11.06.2001 at Chennai, India. They do not have biological child. They have adopted a female child, named Swetha from India on 26.09.2012. Since the second petitioner is an Indian by origin, they wanted their second child also to be adopted from India. They believe

that they wanted their second child also to be adopted from India. 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 qualified as a Doctor of Engineering Sciences by profession and running a proprietary Engineering firm as a partner full-time at Germany and his income is 106016 Euros p.a, which is equivalent to Indian currency about Rs.82,25,289/- (Rupees Eighty two lakhs twenty five thousand and two hundred and eighty nine only) as on 15.10.2014 taken from currency exchange rates in internet. The second petitioner is running a proprietary engineering firm as a partner part-time at Germany and her income is 3650 Euros p.a, which is equivalent to Indian currency about Rs.2,83,186/- (Rupees two lakhs eighty three thousand and one hundred and eighty six only) as on 15.10.2014 taken from currency exchange rates in internet. The financial position of the petitioners is good.

(e) Petitioners also submitted a Home Study Report conducted by Joint Adoption Placement Agency of the Town of Landau, the South Wine Road, District and District of Germersheim, Germany. Apart from furnishing Income Certificate, Medical Certificate etc.,

Karna Prayag Trust, Teynampet, Chennai-18, after screening the details like Home Study Report etc., decided to give them the female child to be adopted by the petitioners. Child Study Report was sent pertaining to the minor child above named to the petitioners. The petitioners also approved the same and decided to adopt the minor child above named. All the relevant papers pertaining to the petitioner, viz., Marriage Certificate, Income Certificate, Declaration of Willingness to adopt are filed along with the petition.

(f) The Government of India have issued No Objection Certificate for giving the minor female child above named to the petitioners, namely, Dr.Heiko Hengen and Mrs.Nandhini Hengen, Germany in adoption.

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 Smrithi @ Ria Smrithi Hengen 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 photo copy of Power of Attorney Deed, dated 07.10.2014 given by the petitioners in favour of P.W.1. Ex.P.2 is the photo copy of Certificate of Recognition issued 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 photo copy of Child Welfare Clearance, dated 05.11.2013. Ex.P.5 is the original child study Report, dated 20.09.2014. EX.P.6 is the photo copy of No Objection Certificate from CARA, dated 26.12.2014. Ex.P.7 is the original Home Study Report, dated 07.03.2013. Ex.P.8 is the original Marriage Certificate, dated 18.05.2010 in respect of the petitioners. Ex.P.9 is the original Medical Report, dated 09.04.2014 in respect of the adoptive parents. Ex.P.10 is the original Income Tax Assessment for the period 2010-2011 and 2012 of Adoptive Parents showing their financial status. Ex.P.11 is the original Declaration of Willingness, dated 07.10.2014 given by the petitioners in respect of the minor child. Ex.P.12 is the original Agency undertaking, dated 08.02.2013. Ex.P.13 is the original police clearance for the Adoptive parents, dated 13.11.2012. Ex.P.14 is the original order of Adoption in respect of minor child, dated 21.02.2013. Ex.P.15 is the original photograph of the minor child Smrithi @ Ria Smrithi Hengen 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 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 Smrithi @ Ria Smrithi Hengen, 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 Smrithi @ Ria Smrithi Hengen 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 Smrithi @ Ria Smrithi Hengen for being taken outside India, outside the jurisdiction of this Court for being brought up and maintained by them in their home town at R/o : Barthelsmuhlrig 26A, 76870 Kandel, Germany.

(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

tsvn

R.SUBBIAH, J

O.P.No.80 of 2015

12-03-2015