

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 29TH DAY OF APRIL 2016

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

O.P.No.260 of 2015

In the matter of Juvenile
Justice (Care and
Protection of Children),
Act, 2000

And
In the matter of minor
child Aparajita (female)
born on 25.08.2010, now
aged 3 years and 11 months

1. G.P.Aravindan,
S/o.P.H.C.M.Gandhi,
E-5, Sathyashreya Apartments,
132, L.B.road, Thiruvannmiyur,
Chennai-600 041

2. Smt.Shalini Aravindan,
W/o.G.P.Aravindan
E-5, Sathyashreya Apartments,
132, L.B.Road, Thiruvannmiyur,
Chennai 600 041

... Petitioners

Vs.

1. Mangal Jerai,
S/o. Late Jargi Jeria,
Jirapi Tola-Tillapipi,
P.O.Danguposi,
Jagannathpur P.S.,
West Singhbun District,
Jharkhand State, India.

(*) 2. Central Adoption Resource Authority,
Ministry of women and Child development,
Government of India,
West Block-VIII, Wing 11,
2nd Floor, R.K.Puram,
New Delhi 110 066

... Respondents

(*) 2nd Respondent Impleaded as per order
dated 27.04.2016 and 15.06.2016
in Application No.611/2016)

Original petition praying that this Hon'ble Court be pleased to appoint the Petitioner as adopted parents of the person of the minor female child Aparajita born on 25.08.2010 and the minor female child Aparajita may be entitled to a legal status of a Biological Child with all rights of succession and inheritance.

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

This is an original petition filed under the provisions of Juvenile Justice (Care and Protection of Children) Act 2000 (as amended by Act 33 of 2006), seeking appointment of the petitioners as adoptive parents of the minor girl Aparajita born on 25.08.2010.

2. The petitioners are Indian citizens, residing at Thiruvannamipur, Chennai. The respondent is the father of the minor child Aparajita and he is residing in the State of Jharkhand. The petitioners got married on 17.12.2002. In the said marriage, the petitioners are having a child by name Kadambari, aged about 6 years. The petitioners were in search of a child to be taken on adoption.

3. While so, the petitioners were informed by a social worker in Noamundi, Jharkhand that the respondent is not in a position to look after the newly born child.

The second petitioner, having come to know about the fact that the child was not given better care on account of the poor financial condition of the respondent rushed to Jharkhand along with a qualified Ayurvedic doctor. The second petitioner was informed by the Physician that the child has to be taken to a better place, where medical facilities are available. The respondent arranged a meeting of the village panchayat on 20.09.2010. The Panchayat passed a resolution to hand over the custody of the child to the second petitioner for the well being of the child.

4. Thereafter, necessary formalities were undertaken to hand over the child to the second petitioner. The second petitioner took the child to Chennai on 02.10.2010. The child was given necessary treatment. The child is now studying in Besant Arundale Senior Secondary School, Kalakshetra Foundation at Thiruvannamiyur. The child has adopted well to her environment and established a fond relationship with her teachers and the biological child of the petitioners. The petitioners executed a Deed of Adoption on 19.03.2012 and it was registered before the Sub-Registrar, Chaibasa in the State of Jharkhand. The petitioners are therefore the adoptive parents of the minor child. The petitioners have come up with this petition to recognise the adoption and to give the minor the legal status of a biological child with all rights of succession and inheritance.

5. The first petitioner was examined as P.W.1. The following documents were marked through him:-

Exhibits	Documents
Ex.P1	Photocopy of certificate of Enrolment as Advocate issued by Bar Council of India
Ex.P2	Photocopy of the True Extract of Hindu Marriage Register kept by the Marriage Registrar, SRO, Mylapore
Ex.P3	Original Deed of Adoption dated 19.03.2012
Ex.P4	Photocopy of the birth certificate of minor child, Aparajita, who was born on 25.08.2010
Ex.P5	Photocopy of the death certificate of Nirab Jerai, who was the biological mother of the minor Aparajita, who died on 25.08.2010
Ex.P6	Photocopy of the Life Insurance Policy bearing No.706616636 taken by the petitioners in the name of the minor
Ex.P7	Original certificate dated 02.02.2015 issued by Dr.P.L.T.Girija, Adyar, Chennai with regard to minor's health condition
Ex.P8 Series	58 photographs of the minor taken from the date of adoption till the date of filing this petition
Ex.P9	Declaration of Willingness executed by the petitioners to accept the guardianship of the minor

6. The second petitioner was examined as P.W.2.

Ex.P10 - Photocopy of the Degree Certificate issued by Annamalai University bearing Register No.14M05P01552 was marked through her.

7. The respondent was examined as R.W.1.

Ex.R1 - Photocopy of the Identity Card (Aadhar Card)

<https://hcservices.ecourts.gov.in/hcservices/>

bearing No.699302990640 issued by Unique Identification

Authority of India was marked through him.

8. R.W.1 in his evidence confirmed the execution of the Adoption Deed on 19.03.2012 in favour of the petitioners.

9. Since Central Adoption Resource Authority (CARA) was not made a party to the original petition, I have directed the petitioners to implead the Agency as a party. The applicants therefore filed an application in A.No.611 of 2016 to implead CARA as a party to the original petition. Even though notice was served and name of CARA is printed in the cause list none appears on behalf of them.

10. The petitioners have produced acceptable evidence to show that the minor child Aparajita was given in adoption to them by the respondent voluntarily. The document of adoption was marked as Ex.P3. The averments in the original petition very clearly shows that the petitioners are maintaining the minor Aparajita as their own child along with their biological child. I am therefore of the view that the original petition deserves to be allowed.

11. The petitioners are appointed as the adoptive parents of the minor female child, Aparajita born on 25

August 2010. The minor child is entitled to the legal status of a biological child of the petitioners with all the rights of succession and inheritance.

The Original petition is allowed as indicated above.

sd/.K.K.S.J

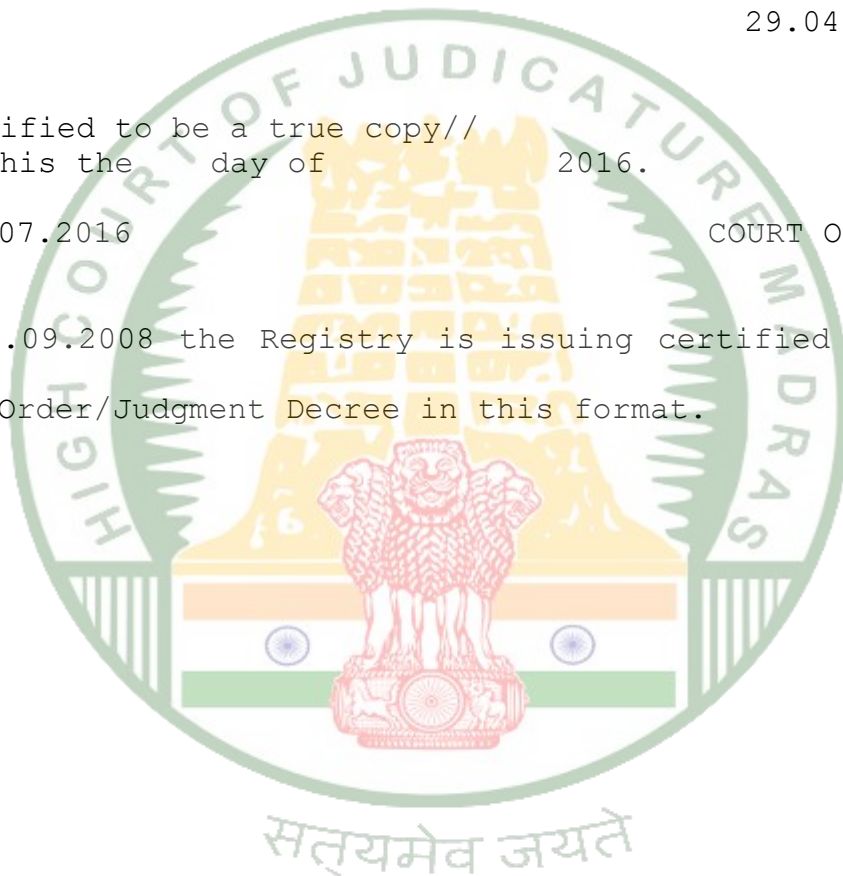
29.04.2016

//Certified to be a true copy//
Dated this the day of 2016.

S.s/01.07.2016

COURT OFFICER

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



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