

O.P.No.816 of 2015**M.M.SUNDRESH, 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 minor Dharshana and grant leave to them to take legal custody of the minor for being brought up and maintained by them in Italy.

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

(a) The Karna Prayag Trust is a Child Welfare Organisation having its registered office at 10, Raja Krishna Road, Teynampet, Chennai-18. Recognition was given to the said institution for dealing in Inter country Adoption vide certificate No.RIPA-02/2014 dated 06.01.2014.

(b) The child Dharshana, born on 30.09.2008, was surrendered by her biological mother to the Claretian Mercy Home, Azhagusirai, Thirumangalam Taluk, Madurai District on 29.03.2010. The minor

child was declared as abandoned and free for adoption by the Child Welfare Committee, Chennai by its order dated 06.04.2010. CARA has also issued No Objection Certificate dated 28.07.2015.

(c) The petitioners got married on 20.03.2010. They are citizens of Italy. The first petitioner is a self-employed Craftsman (Plumber) in Italy and his annual income is Euro 36,250.00, which is equivalent to Indian currency about Rs.27,07,054/-. The second petitioner is employed as Administrative Office employee in Felli Color Spa at Italy and her annual salary is Euro 31,000.00, which is equivalent to Indian Currency about Rs.23,14,927/-. The financial position of the petitioners is good. They have also submitted a Home Study Report conducted by International Adoption Agency at Italy. Hence, they have sufficient means to take guardianship and adoption of the minor child. They have also given their consent and willingness to adopt the child Dharshana.

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 working as the Director of the Karna Prayag Trust. Her evidence shows that the child Dharshana was surrendered by her mother.

5. While deposing, the power agent marked 14 documents as Exs.P1 to P14. Ex.P1 is the photocopy of the power of attorney dated 29.10.2014 executed by the petitioners in favour of P.W.1. Ex.P2 is the photocopy of the surrender deed dated 29.03.2010. Ex.P3 is the photocopy of the CWC Clearance on 06.04.2010. Ex.P4 is the photocopy of the Certificate of Recognition issued by Central Adoption Resource Authority on 06.01.2014. Ex.P5 is the original Home Study Report dated 01.07.2015. Ex.P6 is the original child study report dated 28.08.2014. Ex.P7 is the photocopy of the No Objection Certificate issued by CARA dated 28.07.2015. Ex.P8 is the apostilled copy of the marriage certificate of the petitioners. Ex.P9 series are the medical certificates of the petitioners. Ex.P10 series are the employment and income certificate of the petitioners. Ex.P11 is the declaration of willingness of the petitioners dated 29.10.2014. Ex.P12 is the undertaking given by the sponsoring agency dated 29.10.2014. Ex.P13 series are the police clearance of the petitioners. Ex.P.14 is the photograph of the minor child with C.D.

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 minor child itself.

7. The materials placed before this Court definitely show that the minor 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 minor 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 minor child Dharshana, 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 minor child Dharshana 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 minor Dharshana 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: Via Lungobrembo NR.63 – 24035 Curno (BG),Italy.

(iv) The petitioners shall submit periodical reports regarding the welfare of the minor 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 minor child shall be accompanied by a responsible adult.

(vi) The authority concerned shall issue necessary passport and travel documents to facilitate the travel.

30.06.2016

mmi

M.M.SUNDRESH, J

mmi

O.P.No.816 of 2015

30.06.2016