

O.P.No.98 of 2015**M.M.SUNDRESH, J**

This petition has been filed under Sections 3, 7, 8 , 9 and 10 of the Guardian and Wards Act, 1890 & R/w. Order XXI Rule 2 & 3 of O.S.Rule, praying to declare the petitioners K.Riazuddin and Tasneem Riaz as permanent guardian of the minor female child "Nargis Fathima".

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

(i) The petitioners are the husband and wife. The respondents herein are the husband and wife and gave birth to a female child out of their wedlock on 16.08.2002 and named the child as "Nargis Fathima". The birth of the child was also registered in Registration No.120, dated 20.08.2002, on the file of the corporation of Chennai and a birth certificate has been issued by the Registrar of Births & Deaths, Divisional Office – II, No.47 Basin Bridge, Corporation of Chennai, Chennai- 600 079 to that effect.

(ii) The petitioners have no children and there is no possibility of them having any children in future, due to their age and medical history. The petitioners and the respondents are relatives. The

respondents, taking into consideration the relationship between the petitioners, expressed their consent to give their minor female child, namely, Nargis Fathima in adoption to the petitioners. The respondents had handed over their minor female child to the petitioners on the date of birth of the minor female child, i.e. on 16.08.2002 and the petitioners had also adopted the said minor female child in the presence of the witnesses, friends and relatives.

(iii) The first petitioner and the first respondent herein had entered into a Deed of Adoption dated 22.08.2005 to that effect and also the respondents herein had issued an affidavit dated 26.09.2005, acknowledging the adoption.

(iv) Since the petitioners required Adoption through Court of Law as all Schools and other Educational Institutions, Banks and other Financial Institutions, Government Officials & Departments, Passport Authorities demanded Adoption through Court of Law, they filed the present petition before this Court.

3. Heard the learned counsel for the petitioners. Despite service of notice and the names of the respondents having been printed in the cause list, there is no representation on behalf of the respondents.

4. After due compliance of the procedure, the matter stood posted before the learned Master for recording evidence.

5. The first petitioner examined himself as P.W.1. In his

evidence, he has reiterated what are all stated in the petition. While deposing, he marked nine documents as Exs.P1 to P9.

Ex.P1 is the photocopy of the first petitioner's Voter Identity Card issued by Election Commission of India.

Ex.P2 is the photocopy of Voter Identity Card of his wife, Tasneem Riazuddin issued by Election Commission of India.

Ex.P3 is the photocopy of the first petitioner's Family Card for the period 2005-2009.

Ex.P4 is the photocopy of the first petitioner's Passport bearing No.L7369180 issued by Government of India.

Ex.P5 is the photocopy of Deed of Adoption dated 22.08.2005 between the first petitioner and biological father of minor child Nargis Fathima.

Ex.P6 is the photocopy of Identity Card of the minor child Nargis Fathima Riaz issued by Daniel Thomas Higher Secondary School, Aminjikarai, Chennai.

Ex.P7 is the photocopy of the affidavit given by the biological parents of the minor child Nargis Fathima dated 22.09.2005.

Ex.P8 is the computer generated birth certificate of the minor child Nargis Fathima, who born on 16.08.2002.

Ex.P9 is the declaration of willingness to accept the office of guardian of the person and property of the minor child Nargis

Fathima.

6. Considering the fact that the respondents handed over their female child to the petitioners on the date of birth of the minor female child, and also considering the financial position of the petitioners and particularly taking note of the documents filed, this Court is satisfied that it will be most beneficial to the minor child, if the petitioners are appointed as permanent guardian.

7. Accordingly, this original petition is ordered as prayed for.

27.09.2016

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