

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 1ST DAY OF SEPTEMBER 2016

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.P.No.146 of 2016

In the matter of minor
Danita Ignatius, born on
16.10.2014, female, Indian

1.Mr.V.Ignatius Raja (Alias) V I Raja
S/o.Mr.C.Vedamuthu
SNR Flats - 1st Floor, New No.102, Old No.70,
Professor Sanjeevi Street,
Mylapore, Chennai 600 004.

2.Mrs.K.Stella Mary,
W/o.Mr.V.Ignatius Raja (Alias) V I Raja
SNR Flats - 1st Floor, New No.102, Old No.70,
Professor Sanjeevi Street,
Mylapore, Chennai 600 004.

...Petitioners

- Vs-

1.Mr.K.Thomas Joseph Xavier
S/o.Mr.S.Kulandai,
81, Railway Station Road,
Behind Fish Market,
Collectorate PO
Sivagangai 630 562.

2.Mrs.J.Sahaya juli,
W/o.Mr.K.Thomas Joseph Xavier,
81, Railway Station Road,
Behind Fish Market,
Collectorate PO,
Sivagangai 630 562.

...Respondents

Original Petition praying that this Hon'ble Court be pleased to pass an order:-

(i)that the petitioners be appointed as the adoptive parents of the person of the minor Danita Ignatius, as per Section 41(1) and 41(6) of the Juvenile Justice Act as amended by Act 33 of 2006.

(b) that the minor Danita Ignatius be entitled to the legal status of a biological child with all the rights of succession and inheritance.

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

This petition has been filed under Sections 41(1) and 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 Danita Ignatius.

2.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.

3.The case of the petitioners is that the first petitioner is the brother in law of the first respondent

and the second petitioner is the sister of the first respondent. The respondents got married on 17.05.2002 and they have three children. Since the financial condition of the respondents is not good and the petitioners also have no issues, the petitioners took physical custody of the respondents' third child viz., Danita Ignatius. The petitioners are looking after the minor child since her birth. The first petitioner is engaged in shopping business and earning Rs.50,000/- per month and the second petitioner is working as a teacher in a private school and earning Rs.25,000/- per month. The petitioners own a house in Chennai worth about Rs.45 lakhs and they are financially stable. The petitioners got married on 27.05.2001 and they have no issues. Therefore, the petitioners approached the respondents for adopting the minor Danita Ignatius and the respondents have also given in adoption the minor to the petitioners. The petitioners were having physical custody of the minor child Danita Ignatius in view of eventual adoption according to their religious rites and customs. The said minor will be given proper education and a good upbringing with rights of succession and inheritance.

4.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 8 documents as Exs.P1 to P8. Ex.P1 is the birth certificate of minor T.Danita Ignatius, who was born on 16.10.2014. Ex.P2 is the photocopy of the petitioners' marriage invitation card dated 27.05.2001. Ex.P3 is the photocopy of the old family card bearing No.554886 of the second petitioner and the first respondent. Ex.P4 is the photocopy of the petitioners' family card bearing No.02/G/0879757. Ex.P5 series are the petitioners' original income tax returns and the financial status. Ex.P6 series are the petitioners' health certificates dated 20.01.2016. Ex.P7 is the photograph of the minor along with the compact disk. Ex.P8 series are the original recommendation letters dated 21.01.2016.

5.Respondents 1 and 2 were examined as P.Ws.2 and 3 respectively. They have stated that they have no objection to appoint the petitioners as adoptive parents of the minor Danita Ignatius. Exs.P9 and P10 are the consent affidavits of respondents 1 and 2 respectively.

6.The materials placed before this Court definitely show that the welfare of the minor child 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.

7. Accordingly, this original petition is ordered as prayed for and the petitioners are hereby appointed as adoptive parents of the minor child T.Danita Ignatius, 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 and the minor child T.Danita Ignatius is entitled to the legal status of a biological child with all the rights of succession and inheritance.

sd/.M.M.S.J

01.09.2016

//Certified to be a true copy//

Dated this the day of 2016

S.s/11.11.2016

COURT OFFICER

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