

O.P.No.608 of 2016**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 Boomika.

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

(a) The St. Thomas Mount Babies Home is one of the activities of the Society of Holy Apostles Convent and it was established in the year 1901 for the very purpose of looking after the destitute and abandoned children and provides them with a Home and residential accommodation. The Holy Apostles Convent has been registered under the Juvenile Justice Act under Proc. Roc.No.2008/CW-4/2012 dated 05.02.2015 and the said recognition is valid till 04.02.2020.

(b) A woman claiming to be the mother of a two months old female child was found begging at Avadi Bus Stand on 18.01.2016 and on the information given by the Inspector of Police, Avadi Police Station to the Child Line Trust, they were taken into custody and

admitted in the Cradle Babies Illam through IRCDS on the same day. On 19.01.2016, they were produced before the Child Welfare Committee, Thiruvallur. The woman claimed that she has been deserted by her husband and she has two other female children. On 20.01.2016, the mother of the minor child disappeared. By the order of the Child Welfare Committee, Thiruvallur dated 20.01.2016, the Holy Apostles Convent, St. Thomas Mount, Chennai – 16, took the custody of the child. The child was declared as an abandoned child and legally free for adoption by the Child Welfare Committee, Thiruvallur by its order in D.C.C.P. No.17/2016 dated 15.07.2016.

(c) The petitioners got married on 03.05.1998. They have no children. Therefore, they have decided to go in for adoption. They are hale and healthy and do not suffer from any disease or infirmities. The first petitioner is a partner in Sulochana Tiffin Centre and his monthly income is about Rs.30,000/-. The second petitioner gets the rental income of Rs.30,000/- from her property at Door No.167, De Mellows Road, Pattalam, Chennai – 12. The petitioners live in their own house. They have 35 sovereigns of gold and bank deposit of Rs.3 lakhs. The petitioners registered with CARA for a child for adoption and they were directed to approach the adoption agency viz., Karna Prayag Trust,

No.10, Raja Krishna Road, Teynampet, Chenna - 18 and they have chosen the minor child through online. The Home Study Report has been approved by CARA and the petitioners approached the St.Thomas Mount Babies Home on 06.08.2016. The petitioners gave their consent and willingness on 06.08.2016 to adopt the minor child Boomika. The petitioners were having physical custody of the minor Boomika since 18.08.2016 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.

3. Heard the learned counsel appearing for the petitioners.

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 9 documents as Exs.P1 to P9. Ex.P1 is the original home study report dated 12.08.2016. Ex.P2 series are the original affidavit of birth of the first petitioner and photocopy of the school certificate of the second petitioner showing her date of birth dated 16.08.2016. Ex.P3 is the original wedding invitation of the petitioners dated 03.05.1998. Ex.P4 series are the original health certificates dated 12.08.2016 in respect of the petitioners. Ex.P5 is

the original income certificate of the first petitioner dated 15.08.2016. Ex.P6 series are the original recommendation letters in respect of the petitioners dated 15.08.2016. Ex.P7 is the photocopy of the Aadhaar card of the first petitioner dated 24.09.2013. Ex.P8 series are the photocopies of the PAN Card of the petitioners. Ex.P9 is the original declaration of willingness to act as adoptive parents by the petitioners dated 17.08.2016.

5. The Secretary of Holy Apostles Convent and Superintendent of St.Thomas Mount Babies Home, was examined as P.W.2 and while deposing, P.W.2 marked 5 documents as Exs.P10 to Ex.P14. Ex.P10 is the photocopy of the CWC order dated 20.01.2016. Ex.P11 is the photocopy of CWC order dated 15.07.2016. Ex.P12 series are the original child study and medical reports dated 17.07.2016. Ex.P13 is the photograph of the minor child Boomika along with Compact Disk. Ex.P14 is the photocopy of certificate of registration under Juvenile Justice Act dated 05.02.2015.

6. P.W.2 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 and the petitioners are hereby appointed as adoptive parents of the minor child Boomika, 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 Boomika is entitled to the legal status of a biological child with all the rights of succession and inheritance.

21.09.2016

mmi

M.M.SUNDRESH, J

mmi

O.P.No.608 of 2016

21.09.2016