

O.P.No.756 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 Sakthi.

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) The minor child was born on 09.11.2015 to one Nathiya, wife of N.Jayaraman, who has two children through her. After the said Jayaraman deserted her, she gave birth to the minor Monisha through her paramour. Because of the objections raised by her family, she

surrendered the minor to the Child Welfare Committee, Cuddalore on 09.03.2016. The Committee directed the Holy Apostles Convent, St. Thomas Mount, Chennai – 16, to take the custody of the child and accordingly, the child was taken into custody. The child was declared as an abandoned child and legally free for adoption by the Child Welfare Committee, Cuddalore by its order in D.C.C.P. No.364/2016 dated 07.09.2016.

(c) The petitioners got married on 09.06.1997. 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 having grocery shop at Thiruvaiyaru and his annual income is Rs.1,50,000/-. The second petitioner is a house wife. The petitioners have a flat worth about Rs.14 lakhs. The petitioners registered with CARA for a child for adoption and they were directed to approach the adoption agency viz., SOC SEAD (Sisters of Cross Society), Teppakulam Post, Trichy – 620 002 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 21.09.2016. The petitioners gave their consent and willingness on 21.09.2016 to adopt the minor child and they renamed the child as Sakthi. The petitioners were

having physical custody of the minor Sakthi since 03.10.2016 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 15.09.2015. Ex.P2 series are the photocopies of the transfer certificate of the first petitioner dated 17.08.2009 and secondary school leaving certificate of the second petitioner dated 15.06.1994. Ex.P3 is the original marriage invitation card for the marriage between the petitioners. Ex.P4 series are the original medical certificates dated 22.09.2016 in respect of the petitioners. Ex.P5 is the original income certificate dated 29.09.2016 in respect of the first petitioner issued by the Village Administrative Officer, Thiruvaiyaru West. Ex.P6 series are the original recommendation letters dated 22.09.2016 and 24.09.2016. Ex.P7 series are the photocopies of Aadhar Cards of both the petitioners dated 05.11.2015 and 30.11.2015. Ex.P8 is the photocopy of the PAN

Card of the second petitioner bearing No.AQSPR7752C. Ex.P9 is the original joint declaration of willingness of both the petitioners dated 21.09.2016.

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 child surrender document dated 09.03.2016. Ex.P11 is the photocopy of the certificate of Child Welfare Committee, Chengalpet dated 07.09.2016 in DCCP No.364 of 2016. Ex.P12 is the original child study report dated 21.09.2016 along with medical examination report of the minor child dated 21.09.2016. Ex.P13 is the photograph of the minor child Sakthi along with Compact Disk. Ex.P14 is the photocopy of the Certificate of Registration of Holy Apostles Convent issued 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 Sakthi, 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 Sakthi is entitled to the legal status of a biological child with all the rights of succession and inheritance.

rpa/mmi

15.11.2016

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