

O.P.No.757 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 petitioner as adoptive parent of the person of the minor Mithra.

2. The case of the petitioner 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 minor child born on 12.07.2013 was handed over to the Child Welfare Committee, Chengalpattu on 11.06.2015 by the child's grandmother. 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, Chengalpet by its order in D.C.C.P. No.31/2016 dated 04.08.2016.

(c) The petitioner is a widow. She married one M.Krishnamoorthy on 07.03.1990 and he died on 22.04.1998. Since she has no child, she decided to go in for adoption. The petitioner is working as a Secondary Grade Teacher in Panchayat Union Primary School at Palladam Union, Tirupur District and her monthly salary is Rs.49,275/-. She lives in her own house and she has savings in the form of insurance. The petitioner registered with CARA for a child for adoption and she was directed to approach Sharanalayam, Coimbatore and she has chosen the minor child through online. The Home Study Report has been approved by CARA and the petitioner approached the St.Thomas Mount Babies Home on 29.09.2016. The petitioner gave her consent and willingness on 29.09.2016 to adopt the minor child Mithra. The petitioner was having physical custody of the minor Mithra since 05.10.2016 in view of eventual adoption according to her 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 petitioner.

4. The petitioner examined herself as P.W.1. In her evidence, she has reiterated what are all stated in the petition. While deposing, she marked 9 documents as Exs.P1 to P9. Ex.P1 is the original home study report dated 17.07.2015. Ex.P2 is the photocopy of the petitioner's secondary school leaving certificate dated 28.06.1982. Ex.P3 is the photocopy of the death certificate of the petitioner's husband M.Krishnamoorthy, who died on 22.04.1998. Ex.P4 is the original medical report dated 01.10.2016. Ex.P5 is the original pay certificate for the month of September 2016 dated 03.10.2016. Ex.P6 series are the original recommendation letters dated 23.09.2014 and 26.09.2014. Ex.P7 is the photocopy of the petitioner's Aadhar Card bearing No.876574566926. Ex.P8 is the photocopy of the petitioner's PAN Card bearing No.AFRPD7902A. Ex.P9 is the original declaration of willingness dated 21.09.2016 to act as adoptive parent of the minor child Mithra.

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 letter of transfer of the minor child dated 11.06.2015 issued by the Chairman of Child Welfare Committee, Chengalpet. Ex.P11 is the photocopy of the certificate given by Child Welfare Committee, Chengalpet in D.C.C.P.No.31 of 2015 dated 04.08.2016. Ex.P12 is the original child study report dated 29.09.2016 along with medical examination report of the minor child Mithra dated 29.09.2016. Ex.P13 is the photograph of the minor child Mithra along with Compact Disk. Ex.P14 is the photocopy of the Certificate of Registration of Holy Apostles Convent, St. Thomas Mount, Chennai – 16, 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 petitioner 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 petitioner being appointed as adoptive parent and being given to her as her adoptive child. I am satisfied that it will be most beneficial to the minor child, if the petitioner is appointed as the

adoptive parent.

8. Accordingly, this original petition is ordered as prayed for and the petitioner is hereby appointed as adoptive parent of the minor child Mithra, 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 Mithra is entitled to the legal status of a biological child with all the rights of succession and inheritance.

rpa/mmi

15.11.2016

M.M.SUNDRESH, J

mmi

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