

O.P.No.97 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 Ramya and grant leave to them to take legal custody of the minor for being brought up and maintained by them in Italy.

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

(a) The Karna Prayag Trust is a Child Welfare Organisation having its registered office at 10, Raja Krishna Road, Teynampet, Chennai-18. Recognition was given to the said institution for dealing in Inter country Adoption vide certificate No.RIPA-02/2014 dated 06.01.2014.

(b) The child Ramya, born on 07.05.2014, was surrendered by her biological parents to the Cradle Baby Centre, Dharmapuri and was transferred to Anantha Ashram Trust, Mathigiri, Hosur on 09.05.2014. The minor child was declared as abandoned and free for adoption by

the Child Welfare Committee, Chennai by its order dated 26.06.2015. CARA has also issued No Objection Certificate dated 27.11.2015.

(c) The petitioners got married on 22.06.2008. They are citizens of Italy. The petitioners do not have a biological child and wanted to adopt a child from India. The first petitioner is employed with Expotrans Limited at Rome as Branch Manager and his annual income is 54,456 Euro, which is equivalent to Indian currency about Rs.39,71,175/-. The second petitioner is employed as a full time Project Analyst Officer with State Street Bank Limited at Branch Office of Milan, Italy and her annual income is 52,822.19 Euro, which is equivalent to Indian currency about Rs.38,52,030/-. The financial position of the petitioners is good. They have also submitted a Home Study Report conducted by CIAI at Italy. Hence, they have sufficient means to take guardianship and adoption of the minor child. They have also given their consent and willingness to adopt the child Ramya.

3. Heard the learned counsel appearing for the petitioners.

4. The petitioners' power agent examined herself as P.W.1. In her evidence, she has reiterated what are all stated in the petition. She is working as the Director of the Karna Prayag Trust. Her evidence shows that the child Ramya was surrendered by her biological parents.

5. While deposing, the power agent marked 14 documents as Exs.P1 to P14. Ex.P1 is the photocopy of the special power of attorney dated 01.10.2015 executed by the petitioners in favour of P.W.1. Ex.P2 is the photocopy of the Certificate of Recognition issued by Central Adoption Resource Authority dated 06.01.2014. Ex.P3 is the photocopy of the letter of child transfer dated 09.05.2014. Ex.P4 is the photocopy of the CWC Clearance on 26.06.2015. Ex.P5 is the original child study report dated 21.09.2015. Ex.P6 is the photocopy of the No Objection Certificate issued by CARA dated 27.11.2015. Ex.P7 is the original home study report in respect of the petitioners dated 06.07.2015. Ex.P8 is the original marriage certificate dated 14.05.2015. Ex.P9 series are the original medical certificates in respect of the petitioners dated 14.05.2015. Ex.P10 series are the original employment and income certificates of the petitioners dated 21.05.2015. Ex.P11 is the original declaration of willingness dated

01.10.2015. Ex.P12 is the original undertaking by the sponsoring agency dated 22.09.2015. Ex.P13 series are the original police clearance of the petitioners dated 12.05.2015 and 11.05.2015. Ex.P14 is the photograph of the minor child Ramya along with the C.D.

6. The power agent 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 subject to the following conditions:-

- (i) The petitioners are hereby appointed as adoptive parents of the female minor child Ramya, 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.

(ii) The minor child Ramya is entitled to the legal status of a biological child with all the rights of succession and inheritance.

(iii) The petitioners are permitted to take physical custody of the minor Ramya for being taken outside India, outside the jurisdiction of this Court for being brought up and maintained by them in their home town at R/o: Via (street) Bartolomeo Colleoni No.9, Milano, Italy.

(iv) The petitioners shall submit periodical reports regarding the welfare of the minor child at the intervals of three months in the first two years and at the intervals of six months for the succeeding three years to the Court.

(v) The minor child shall be accompanied by a responsible adult.

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(vi) The authority concerned shall issue necessary passport and travel documents to facilitate the travel.

28.09.2016

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Note: Issue copy of the order on 03.10.2016

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