

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 12th DAY OF OCTOBER 2017

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

O.P. No.779 of 2017

In the matter of the minor
Josevina born on 30.09.2016
female, Indian, abandoned.

1. Mr.K.Kingston,
2. Mrs.A.Maria Judy Crena,
1 & 2 are at Door 105/B,
Boopal Rayer Puram II Street,
Thoothukudi-628 001 ... Petitioners

Original Petition praying that this Hon'ble Court be
pleased that the:

a) petitioners be appointed as the parents of the person of the minor as per Section 56(1) Juvenile Justice Act 2 of 2016;

b) minor be entitled to the legal status of a biological child with all the rights of succession and inheritance;

c) date of birth of the minor be declared as 30.09.2016, and

d) birth certificate issuing authority, St.Thomas Mount, Kancheepuram District may be directed to issue birth certificate for the said child within five working days from the date of application, as per the provisions of Regulation 36 of the Adoption Regulations of CARA.

This original petition coming on this day before this court for hearing the court made the following order:-

This petition has been filed under Section 56(1) of the Juvenile Justice Act 2 of 2016, read with Clause 17 of the Letters Patent to appoint the petitioners as parents of the minor female child.

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 which is a recognized Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act of 2015 by the State Government of Tamil Nadu under Proc.No.2008/CW-4/2012 dated 05.02.2015 for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations of CARA and the said recognition is valid till 04.02.2020.

(b) The minor female child, originally named as Vijaya, was born on 30.09.2016. The child was declared legally free for adoption by the Child Welfare Committee, Chengalpattu as per the provisions of Section 38 of the Juvenile Justice Act and the said child is registered in

the Child Adoption Resource Information and Guidance System with the Registration No.RIPATN/2-0290, for the purpose of adoption as envisaged in section 56(1) of the Juvenile Justice Act.

(c) The petitioners are registered in the Child Adoption Resource Information and Guidance System with the Registration No. PrTa50800284. The petitioners got married on 28.10.2005. The 1st petitioner is running a service station for two wheelers. His annual income is Rs.84,000/-. The 2nd petitioner is an accountant and her annual salary is Rs.92,400/-. They have been found eligible and suitable to adopt the above named child as per the criteria mentioned in Section 57 of Juvenile Justice Act and 5 of the Adoption Regulations of CARA, based upon their Home Study Report. They have been found suitable by the Adoption Committee to adopt the minor Josevina.

(d). The minor Minor Josevina originally named as Vijaya, has been referred to the said petitioners ON Line through Child Adoption Resource Information and Guidance System and has been accepted by the said petitioners accepted to adopt the said minor by signing the Child Study and Medical Reports on 13.09.2017. They renamed the minor as Josevina. The child has been given in pre-adoption Foster Care to the said petitioners on 14.09.2017, after

obtaining a Pre-Adoption Foster Care Affidavit as per the provisions of Section 58(3) of Juvenile Justice Act and Regulation 11(1) of the Adoption Regulations of CARA. The petitioners have undertaken in the said Pre-adoption Foster Care Affidavit that they will allow the authorised social worker of the Specialised Adoption Agency to visit their home for undertaking post-adoption follow up to ascertain the progress and well-being of the child in the adoptive family as per Section 58(5) of Juvenile Justice Act. The petitioners have further undertaken to inform any change in the place of their residence to the Specialised Adoption Agency and to the State Adoption Resource Agency concerned and to this Court for the purpose of post adoption Follow-up. The petitioners have also undertaken to up-bring the child as their own and to accord the same status, rights and privileges to the child at par with the natural born child as provided in pre-adoption foster care affidavit.

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

04.12.2016. Ex.P2 series are the photocopies of School Certificates showing date of birth of the 1st & 2nd petitioners as 18.04.1977 & 19.07.1982. Ex.P.3 is the original extract of Marriage Register dated 04.04.2017 in respect of the petitioners. Ex.P.4 series are the original Health Certificates dated 09.09.2017 in respect of the petitioners. Ex.P.5 is the Income (online) of 1st petitioner and salary certificate of 2nd petitioner dated 16.02.2016 & 14.03.2016. Ex.P.6 series are the original recommendation letters dated 10.09.2017 & 11.09.2017 in respect of the petitioners. Ex.P.7 series are the photocopies of Aadhar Cards of petitioners. Ex.P.8 series are the photocopies of PAN Cards of petitioners. Ex.P.9 is the original Consent and Willingness of the petitioners dated 13.09.2017.

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 7 documents as Exs.P10 to Ex.P16. Ex.P10 is the original child study and medical reports dated 13.09.2017. Ex.P.11 is the photocopy of order of Child Welfare Committee, dated 28.08.2017. Ex.P.12 is the photograph of minor child Josevina. Ex.P.13 is the photocopy of certificate of Registration under J.J.Act dated 05.02.2015. Ex.P.14 is the photocopy Decision of Adoption Committee, dated 13.09.2017. Ex.P.15 is the

original affidavit by Chief Functionary of Specialised Adoption Agency dated 12.09.2017. Ex.P.16 is the photocopy of Pre-Adoption Foster care Affidavit dated 14.09.2017.

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 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 parents.

8. Accordingly, this original petition is ordered as prayed for and the petitioners are hereby appointed as the parents of the minor child, as per Section 56(1) of the Juvenile Justice Act of 2006 and the minor child is entitled to the legal status of a biological child with all the rights of succession and inheritance and that the date of birth of the minor be declared as 30.09.2016 and that the Birth Certificate Issuing Authority, St. Thomas Mount, Kancheepuram District may be directed to issue Birth Certificate for the said child within five working days

from the date of application, as per the provisions of Regulation 36 of the Adoption Regulations of CARA.

Sd/-C.V.K.J
12.10.2017

//Certified to be a true copy//

Dated this the day of 2018

JJ 25.06.2018

COURT OFFICER

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