



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.266 of 2017

1.S. Deepak Kodeeswara Prabhu

2.D. Umamaheswari

... Petitioners/Petitioners

Vs

Tirunelveli Social Service Society,

Through the Administrator, Adoption Cell

Door No.283/2A, Babuji Nagar,

Tirunelveli Junction - 627 001.

... Respondent/Respondent

PRAYER: Civil Revision Petition is filed, under Section 115 of Civil Procedure Code, to set aside the order passed by the Learned Family Court, Tirunelveli in un-numbered Adoption OP of 2016, dated 19.1.2017 and directing the Family Court, Tirunelveli to number the Adoption O.P. of 2016 filed by us under section 41(3) and (6) of Juvenile Justice (Care and Protection of Children) Act, 2000 r/w Section 33(5) of Juvenile Justice 1956 (Care and Protection of Children Rules 2000).

For Petitioner : Mr. P.T. Thiraviam

ORDER

The petitioner has filed this Civil Revision Petition to set aside the order passed by the learned Family Court, Tirunelveli in un numbered Adoption OP of 2016, dated 19.1.2017.

2.The petitioners have filed petition under Section 41(3) and (6) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 r/w Rule 33(5) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 for permission to the petitioners to take male child Nejenth @ D.Raj Abinav in permanent adoption. The learned Judge returned the petition pointing out various defects and held that as per Circular, dated 24.06.2003 in R.O.C.No.1790(A)/2001/B5, report from Indian Council for Child Welfare (ICCW), Chennai is necessary.

3.Against the said return, the petitioners have come out with the present Civil Revision Petition.

4.The learned counsel for the petitioners produced the copy of the order passed by this Court, dated 14.08.2014 in C.R.P(MD) No.624 of 2014 and submitted that this Court held that after



coming into force the Juvenile Justice Act, for a petition under the said Act report of the Indian Council for Child Welfare (ICCW), Chennai-30 and Indian Council for Social Welfare (ICCSW), Chennai-8 are not required. Only report from Child Welfare Committee constituted by the Government in every District is sufficient and is in compliance with Section 41(5) of the Act.

5.I have heard the learned counsel appearing for the petitioner and also perused all the materials available on record.

6.This Court, by the order, dated 14.08.2014, in C.R.P(MD) No.624 of 2014 held that Circular in ROC No.1790(A)/2001/B5, dated 24.06.2003 was passed before coming into force of Juvenile Justice (Care and Protection of Children) Act, 2000 and therefore for a petition filed under Section 41(3) and (6) of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 r/w Rule 33 (5) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 a report from Indian Council for Child Welfare (ICCW), Chennai-30 and Indian Council for Social Welfare (ICCSW), Chennai-8 are not necessary and only the report from Child Welfare Committee constituted by the Government in every District is sufficient and the learned Judge must be satisfied himself regarding investigation having been carried on by the agency before orders of minor child.

7.From the records, it is seen that the petitioner took time to produce copy of the order, dated 14.08.2014 passed by this Court in C.R.P(MD).No.624 of 2014 but did not produce the same. It is for the petitioner to represent the petition along with the documents and copy of the order, dated 14.08.2014 in C.R.P.(MD) No.624 of 2014 and report of the Child Welfare Committee as mentioned in the said order. The learned Judge is directed to number the same, if it is otherwise in order and pass orders in accordance with law.

8.In the result, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

The Judge,

The Family Court, Tirunelveli.

+1 CC to Mr.P.T.Thiraviam, Advocate, SR NO: 7700

C.R.P(MD)No.266 of 2017(NPD)

13.02.2017