

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.804 of 2018

1.Mr.M.Zaheer Hussain

2.Mrs.H.Sharmin Banu

... Petitioners

Vs.

1.Mr.H.Liyaskhan

2.Mrs.D.Jamila Begum

...Respondents

Prayer: Original Petition filed under Section 56 (2) of Juvenile Justice (Care & Protection of Children) Act, 2015 (as amended by Act 2 of 2016) read with Clause 17 of the Letters Patent praying that the petitioners be appointed as parents of the person of the minor L.Faheema Tasnim born on 01.02.2016 and that the minor L.Faheema Tasnim be entitled to the legal status of a biological child with all the rights of succession and inheritance and that the petitioners may be permitted to take physical custody of the minor L.Faheema Tasnim for being taken outside India, outside the jurisdiction of this Hon'ble High Court for being adopted, brought up and maintained by them and that the City Health Officer, Greater Chennai Corporation, Madhavaram, Chennai - 600 052 may

please be directed to issue Birth Certificate for the said child within five working days from date of application, as per the provisions of Sub-Regulation (5) of Regulations 18 and Regulation 36 of CARA.

For Petitioners : Mr.T.Ramachandran

ORDER

This petition has been filed under Section 56 (2) of Juvenile Justice (Care & Protection of Children) Act, 2015 seeking to declare the petitioners as the parents of the person of minor L.Faheema Tasnim born on 01.12.2016.

2.The biological parents of the minor figure as respondents 1 and 2. The 1st petitioner has been examined as PW1. He has produced the documents in proof of his claim. A deed of adoption has also been executed by the respondents evidencing the adoption and the same has been marked as Ex.P.7. The petitioners have filed affidavits signifying their consent for adopting minor child and the same have been marked as Ex.P.8 and Ex.P.9 respectively. Ex.P.10 is the declaration of willingness made by the petitioners to accept the minor as their adopted child.

3.The biological parents of the minor have been examined as RW1 and RW2. They have consented for adoption and have expressed their no objection for child being recognised as the adopted child of the petitioners.

4.In view of the above evidence, I find that the requirements of Section 56 (2) of Juvenile Justice (Care & Protection of Children) Act, 2015 have been satisfied. Hence, this petition is allowed. The Petitioners are declared as parents of the person of the minor L.Faheema Tasnim. The minor is entitled to legal status of the biological child with all the rights of succession and inheritance and the petitioners are permitted to take physical custody of the minor L.Faheema Tasnim for being taken outside India, outside the jurisdiction of this Hon'ble High Court for being adopted, brought up and maintained by them.

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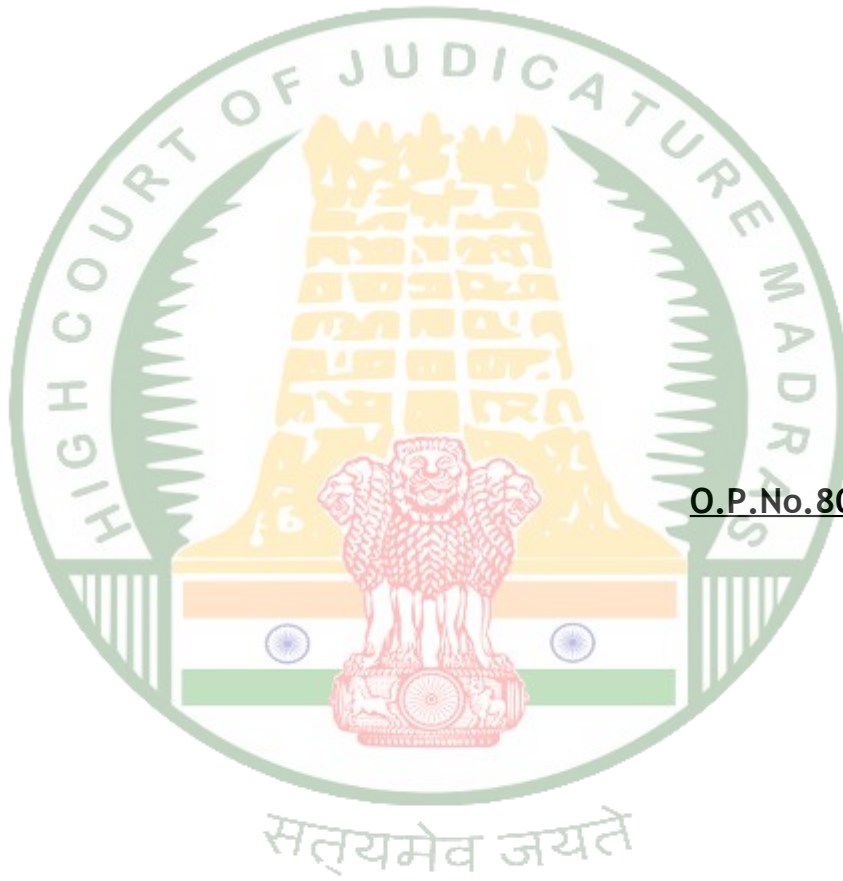
19.02.2019

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Speaking order/Non speaking order
Internet: Yes/No

R.SUBRAMANIAN.J.,

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