

OP No.636 of 2019

K.KALYANASUNDARAM., J

This petition has been filed under Section 56 (4) of Juvenile Justice (Care & Protection of Children) Act 2015 for the following reliefs:

- a) first and second petitioners / Prospective Adoptive Parents may please be given the minor child Miss.Sameera Joanne Selvan, now aged about 14 years, in adoption and be declared as the parents of the said minor Miss.Sameera Joanne Selvam, now aged about 14 years, for all purposes allowed by law; and
- b) permit the first and second petitioner to take the minor child Miss.Sameera Joanne Selvam out of India for being brought up by them in USA.

2. According to the petitioners, they are husband and wife and the marriage between them was solemnized on 11th September 1996. However, during their lawful wedlock, there was no issue to them. Hence, they were desirous of adopting a female child and approached "The Guild of Service" at Chennai.

WEB COPY

3. The petitioners would state that after seeing the female child Akshara having date of birth 19.02.2005, expressed their willingness to adopt the said child. Thereafter, the petitioners filed O.P.No.789 of 2006 for

appointing them as the guardian of the minor child and the same was ordered on 21.04.2007. It is further stated that the child was renamed as Sameera Joanne Selvam. The deed of adoption was duly registered with the SRO, Periamet, Madras in Document No.1309 of 2007 on 06.07.2007 and the competent authority had also issued a fresh birth certificate to the child mentioning the petitioners as parents.

4. The petitioners would claim that the minor child has been under their care and custody since 2005, i.e., from 2 years and she is now 14 years old and studying in Class VII in Sacred Heart Matriculation Higher Secondary School, Church Park, Chennai.

5. The petitioners would state that the first petitioner is a business man and the second petitioner is working as a Visa Assistant in the American Consulate General, Chennai and she is now transferred to the United State of America. So, they have decided to shift their residence to America along with the minor child. Hence, the present petition.

6. Heard the learned counsel for the petitioners and perused the materials available on record.

7. Mr.D.M.Anand Selvam, the first petitioner herein, examined himself as PW1 and marked Exs.P1 to P11 and deposed evidence on behalf of the second petitioner also.

- i) Ex.P1 is the photocopy of the undertaking dated 15.05.2005 given by the petitioners.
- ii) Ex.P2 is the certified copy of the judgment dated 21.04.2007 in O.P.No.789 of 2006 passed by this Court.
- iii) Ex.P3 is the photocopy of the Deed of Adoption dated 06.07.2007 entered into between the Adoption Unit of the Guild of Service, Madras and the petitioners.
- iv) Ex.P4 is the computer generated copy of the birth certificate of the minor Sameera Joanne Selvam, who was born on 19.02.2005.
- v) Ex.P5 is the photocopy of the letter dated 25.06.2019 transferring 2nd petitioner to United States of America.
- vi) Ex.P6 is the computer generated copy of his ITR statement.
- vii) Ex.P7 is the computer generated copy of the ITR statement of the 2nd petitioner.
- viii) Ex.P8 is the photocopy of his passport bearing No.M6213947.
- ix) Ex.P9 is the photocopy of the passport of the minor Sameera Joanne bearing No.T2734815.
- x) Ex.P10 is the photographs and CD of the minor along with adoptive parents.
- xi) Ex.P11 is our Declaration of Willingness.

8. Considering the averments contained in the original petition and

the oral and documentary evidence let in, I am satisfied that the petitioners are fit and proper persons to be appointed as parents of the minor child to be fostered and brought up by the petitioners in U.S.A. Accordingly, this petition is ordered as prayed for subject to the following conditions:-

(i) The petitioners are hereby appointed as parents of the minor girl child Sameera Joanne Selvam, whose photograph is duly attested and annexed hereto, for all purposes allowed by law.

(ii) The minor girl child Sameera Joanne Selvam, 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 the custody of the minor girl child Sameera Joanne Selvam, for being taken outside India, outside the jurisdiction of this Court, for being adopted, fostered, brought up and maintained by them in U.S.A.

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

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

(vii) The Authority concerned shall issue necessary passport and travel documents to facilitate the travel.

04.09.2019

Note: Issue order copy on 09.09.2019

pvs

OP.No.636 of 2019

K.KALYANASUNDARAM., J

pvs



OP No.636 of 2019

WEB COPY

04.09.2019