

O.P.No.751 of 2019

K.KALYANASUNDARAM, J.

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: (i) that the prospective adoptive parents may please be declared as parents of the person of the said minor child for all purposes allowed by the law and upbringing the child as their own child with the legal status of a biological child with all the rights of succession and inheritance, ii) the birth certificate issuing authority may pleased be directed to issue birth certificate for child Kripa now known Lilly within five working days from the date of application, as per the provisions of sub-regulations (5) of the regulations 18 and regulation 36 of CARA Regulations and (iii) the Regional Passport Office concerned may be directed to issue passport for the said child within 10 days from the date of application, as per sub-regulations (4) of the regulations 18 and regulation 38 of CARA Regulations.

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

(a) The first petitioner, namely, Varshini Illam Trust, is a registered Child Care Institution, which is having the care and custody of the minor female child Kripa, now known as Lilly having date of birth as 21.01.2019. The

minor child was abandoned on 21.01.2019 at Vadukampoondi, Villupuram District was rescued and handed over by Child Welfare Committee, Villupuram District in temporary custody and care with the first petitioner on 29.01.2019. The said minor child was declared as legally free for adoption by the Child Welfare Committee, Villupuram by order dated 07.05.2019.

(b) The second petitioner J.Antony Thomas and his wife R.Lavanya, the third petitioner herein are residing at No.4/43, Appadurai First Street, Ayanavaram, Chennai-600023. They got married on 14.09.2008 at St.Xaviers Cathedral Palayamkottai, Tirunelveli District and they do not have their own biological child. The second petitioner is working as Executive Support in Feedback Business Consulting Services and the third petitioner is working as an Admin-in-charge at Kumon India Education Ltd and the financial position of the couple is good. The petitioners 2 and 3 wanted to adopt a child and believe that they have much to offer their love and financial care to the child. The petitioners 2 and 3 registered with CARA on 24.04.2017 with Registration No.PrTa79002177, for the purpose of adopting a child.

(b) The female Child Kripa now known as Lilly was referred to the petitioners 2 and 3 through online by Child Adoption Resource Information and Guidance System and the same was accepted by the petitioners. The female child was given pre-adoption foster care to the petitioners 2 and 3 on 28.06.2019, after obtaining a pre-adoption Foster Care affidavit and from that

day onwards, they have been bringing up the child as their own daughter and renamed the child as Lilly.

(c) The petitioners 2 and 3 have undertaken to submit the post-adoption follow up to ascertain the progress and the well being of the child in the adoptive family. They up-bring the female child as their own child and to accord the same status, rights, privileges to the child at par with the naturally born child. The petitioners have also sought permission to take the minor child outside India as and when need arises in future due to their employment.

3.Heard the learned counsel appearing for the petitioners.

4.The second petitioner examined himself as P.W.1 and deposed evidence on his behalf and on behalf of the third petitioner also. In his evidence, he has reiterated what are all stated in the petition. While deposing, he marked Exs.P1 to P15:

- a) Ex.P1 is the original temporary custody letter dated 29.01.2019 from CWC.
- b) Ex.P2 is the original CWC Clearance for Adoption dated 07.05.2019.
- c) Ex.P3 is the computer generated copy of the CARA online application dated 24.04.2017.
- d) Ex.P4 is our original Home Study Report dated 21.09.2017 of the adoptive parents.

- e) Ex.P5 is the original Child Study Report dated 28.06.2019.
- f) Ex.P6 is the original Medical Examination Report dated 28.06.2019 in respect of the minor Kripa
- g) Ex.P7 is the original undertaking dated 28.06.2019 for Pre-Adoption Foster Care.
- h) Ex.P8 is the photocopy of our marriage certificate dated 16.06.2009 extract from the register kept in the office of the Registrar General of Birth, Deaths and Marriages, Chennai South (Marked after comparing and verifying with the original).
- i) Ex.P9 is the original Medical fitness certificate dated 15.06.2019 for adoption.
- j) Ex.P10 is the computer generated copy of the IT returns of the 3rd petitioner along with the salary slip of the 2nd petitioner.
- k) Ex.P11 (series 2 Nos) are the photocopies of our Aadhaar cards (Marked after comparing and verifying with the original).
- l) Ex.P12 (series 2 Nos) are the photocopies of our PAN card (Marked after comparing and verifying with the original).
- m) Ex.P13 (series 2 Nos) are the photocopies of our 10th mark sheets for the proof of our date of births (Marked after comparing and verifying with the original).
- n) Ex.P14 is our Declaration of Willingness.
- o) Ex.P15 is the photograph of the minor Kripa along with the Compact Disk.

He further submitted that he has not filed any other petition before any other Court seeking the same relief.

5.The Authorized person of the first petitioner, Varshini Illam Trust, was examined as P.W.2 and while deposing, P.W.2 marked 3 documents as Exs.P16 to P18.

- a) Ex.P16 is the photocopy of the Registered Trust Deed dated 09.04.2014 (Marked after comparing and verifying with the original).
- b) Ex.P17 is my affidavit.
- c) Ex.P18 is the photocopy of the certificate of recognition of the 1st petitioner by State Government (Marked after comparing and verifying with the original).

6.The materials placed before this Court definitely show that the minor child is an abandoned child and her welfare definitely deserves the petitioners 2 and 3 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. Accordingly, this original petition is ordered as prayed for.

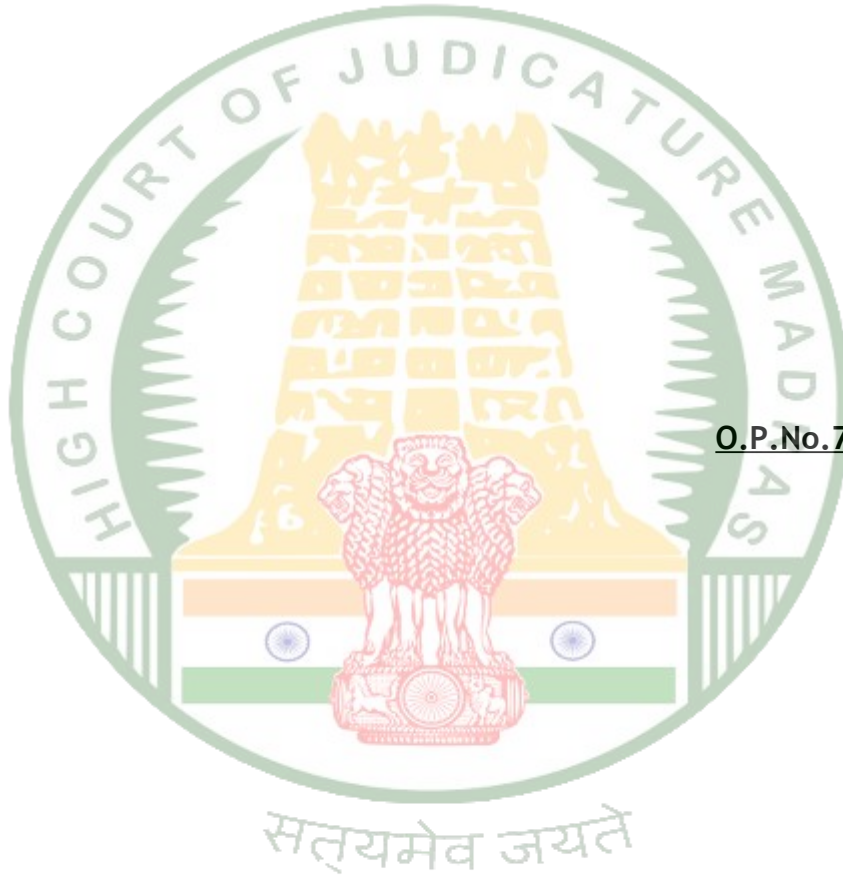
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