

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.66 of 2020

1. Varshini IllamTrust,
Villa No.2, Block No. 59
Bollinenni Hill Side
Nookampalayam, Perumbakkam Road,
Chennai 126
Represented by their Authorized Person
Mr.John Alex

2. Mr. S. Karthikeyan

3. Mrs. S. Ramaseethalakshmi
92G1, VGN Platina, Thiruverkadu Road,
Ayappakam, Chennai 600077

... Petitioners

PRAYER: Petition is filed under Section 56 (1) of the Juvenile Justice (Care & Protection of Children) 2015 (2 of 2016) praying that the petitioners Mr.S. Karthikeyan and Mrs. S. Ramaseethalakshmi residing 92G1, VGN Platina, Thiruverkadu Road, Ayappakam, Chennai 600077 be

appointed as parents of the minor female child Aradhana now known as Nivetha whose Date of birth is 05.06.2019

- a) that the prospective adoptive parents may please be declared as parents of the person of the said minor for all purposes allowed by the law and up bring the child as their own child with the legal status of a biological child with all the rights of succession and inheritance;
- b) that the Birth Certificate Issuing Authority may please be directed to issue birth certificate for Child Aradhana now known as Nivetha 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.
- c) 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.

For Petitioners: Ms. Jayasudha Suryanarayan Sheela Jayanthi

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ORDER

The above Petition is filed to appoint the petitioners 2 and 3 as parents of the minor female child Aradhana now known as Nivetha, whose date of birth is 05.06.2019 and to declare them as parents of the person of the said minor child for all purposes allowed by 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. The petitioners have also sought for directions to the issuing Authority to issue birth certificate for the child Aradhana now known as Nivetha within a period of five days from the date of application as per the provisions under sub-regulation (5) of Regulation 18 and Regulation 36 of the CARA Regulations and also directions to the concerned Regional Passport office to issue passport for the said child within a period of 10 days from the date of application as per sub-regulation (4) of Regulation 18 and Regulation 38 of CARA Regulation.

2. The brief narration of the Petition is as follows:

The first petitioner, which is a recognized Specialized Adoption Agency under section 65 of the Juvenile Justice (Care and Protection of Children) Act 2015, is having the care and custody of the minor female child Aradhana, now known as Nivetha. The child was handed over to the Child Welfare Committee, Kancheepuram on 15.06.2019 by the biological mother. The Child Welfare Committee had placed the minor child in temporary custody for care of the first petitioner on 15.06.2019 as evidenced by Ex.P1, dated 15.06.2019, issued by the Child Welfare Committee, Kancheepuram District. Thereafter the minor girl child was declared legally free for adoption by the Child Welfare Committee vide its order dated 14.10.2019, as evidenced by Ex.P2. The second and 3rd petitioners, who are citizens of India, though married on 06.09.2009 at Tenkasi, Trinelveili District were not blessed with a child of their own and were therefore keen to adopt a child. The records would indicate that they had made an online application as evidenced by Ex.P3 expressing their desire to adopt. After receipt of the online application, it is seen that there

has been a Home-Study by the Karna Prayag Trust, Chennai, which is a recognised Welfare Centre for women and children. The Home Study Report is also marked as P4. The Home Study Report indicated that the couple who intend to adopt the child, are well prepared for adoption and their surrounding was conducive for the adoption of the girl child. They had been placed with pre-adoption foster care of the child on 26.11.2019 as evidenced by Ex.P7. The records would reveal that necessary records relating to the child study report, medical examination report, pre-adoption foster care, record of marriage of the adoptive parents, certificate of medical fitness of the adoptive parents, their Income Tax returns, their residential and age proof as well as their declaration of willingness to adopt the child have been received and these documents have been filed as Exs.P5 to P14. The photograph of the child has been marked as Ex.P.15. The Trust Deed of the first petitioner has been marked as Ex. P-16. The affidavit filed by the trustee of the first-petitioner indicating his authority to complete the legal formalities in the in-country adoption with reference to the Trust has been marked as Ex.P.17. The recognition granted by the State Government to the

first-petitioner-trust has also been marked as Ex.P.18. The second-petitioner has been examined as P.W.1 and the trustee of the first-petitioner-trust has been examined as P.W.2. Exs. P1 to P15 have been marked through P.W.1 and Exs.P.16 to P18 have been marked through P.W.2.

3. Considering the validity of the legal formalities relating to the adoption of the minor child that have been followed and also taking into account the Affidavit and the Petition filed by the petitioners 2 and 3 indicating their desire to adopt the child and the fact that the child has been in their care since 26.11.2019, this Court is inclined to allow the Original Petition and accordingly the same is allowed.

19.03.2020

mrn

Index : Yes/No
Speaking order/non-speaking order

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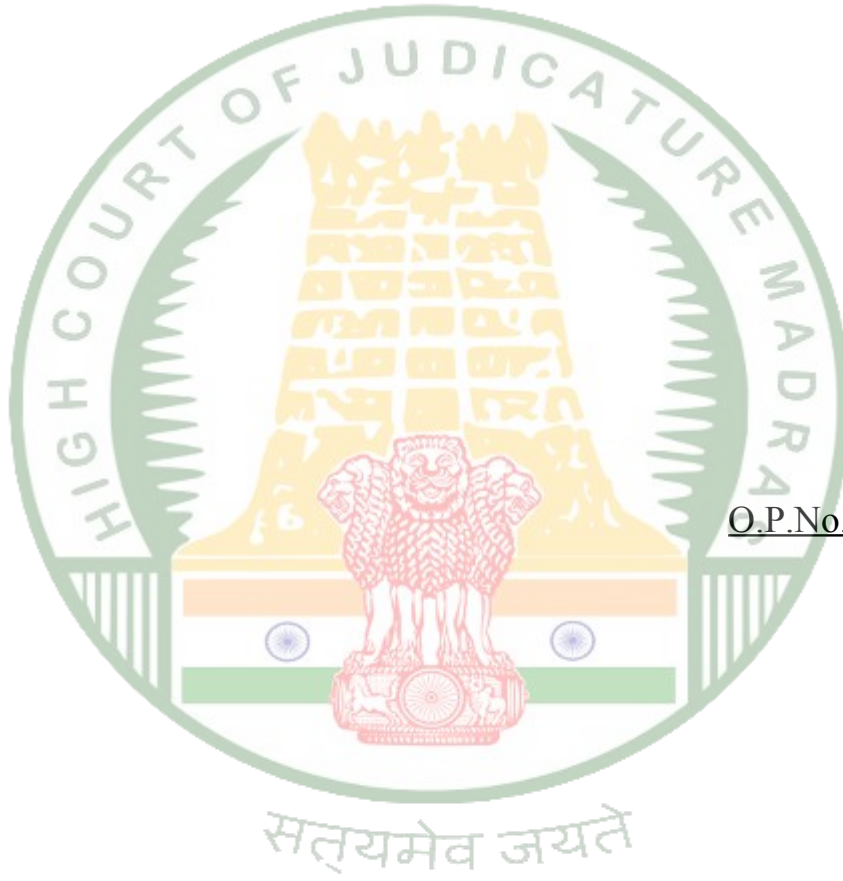


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