

O.P.No.461 of 2020

N.SATHISH KUMAR, 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 to appoint the second and third petitioners as adoptive parents of minor Kalaivani originally named as Savithri Supriya and direct the Birth Certificate Issuing Authority, Cantonment Board, St.Thomas Mount cum Pallavaram, Chennai – 16 may be directed to issue Birth Certificate for the said child within five working days from the date of application, as per the provisions of Regulation 36 of the Adoption Regulations of CARA.

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

(a) Holy Apostles Convent, St.Thomas Mount Babies Home is a recognized Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act of 2015 by the Commissionerate of Social Defence under Proc. No.14929/D2/2019 dated 18.12.2019 for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice

Act and Adoption Regulations of CARA. The said certificate of registration is valid for five years from the date of issue.

(b) The Female child Kalaivani originally named as Savithri Supriya, born on 17.08.2019. The Child was declared legally free for adoption by the Child Welfare Committee, Chengalpattu by its Order dated 07.08.2020.

(c) The second and third petitioner got married on 22.11.2007. The second petitioner is working as Supervisor in S.R.T Garments, Perumanallur, Tirupur for the past five years. His monthly gross salary is Rs.25,000/-.The third petitioner is a house wife. They have been found eligible and suitable to adopt the above child as per the criteria mentioned in Section 57 of the Juvenile Justice Act and Regulation 5 of the Adoption Regulations of CARA, based upon their Home Study Report. They have been found suitable by the Adoption Committee to adopt the minor Kalaivani. The financial position of the petitioners 2 and 3 are good. Hence, they have sufficient means to take guardianship and adoption of the minor child.

3. Heard the learned counsel appearing for the petitioners.

4. P.W.1 and P.W.2 were examined on the side of the evidence. P.W.1, in her evidence stated that she is the Secretary of the Holy Apostles Convent of the St.Thomas Mount Babies Home, the first petitioner herein. She has filed her proof affidavit stating the facts of this case and the same may be treated as part and parcel of her examination in chief.

5. While deposing, P.W.1 marked 8 documents as Ex.P.1 to Ex.P.8. Ex.P.1 is the original Home Study Report dated 19.02.2018. Ex.P.2 series (2 Nos) are the original child study and medical report dated 01.10.2020. Ex.P.3 is the photocopy of the Child Welfare Committee Report dated 07.08.2020. Ex.P.4 is the photocopy of the minor Kalaivani. Ex.P.5 is the photocopy of the Decision of adoption committee dated 01.10.2020. Ex.P.6 is the original affidavit of Chief Functionary of Specialized Adoption Agency dated 01.10.2020. Ex.P.7 is the photocopy of the Pre-Adoption Foster Care affidavit dated 01.10.2020. Ex.P.8 is the photocopy of the certificate of registration under Juvenile Justice Act, dated 18.12.2019.

6. The second petitioner examined as P.W.2 and stated that third petitioner is his wife and deposed on behalf of his wife also. He was filing his proof affidavit stating the facts of this case and the same may be treated as part and parcel of his examination in chief. In Continuation of his proof affidavit, Ex.P9 to Ex.P16 documents were marked. Ex.P9 series (2 nos) are the photocopies of the Transfer Certificates of the 2nd and 3rd petitioners showing their date of births dated 23.10.2018 and 29.10.2018. Ex.P.10 is the original marriage certificate of the 2nd and 3rd petitioners dated 07.05.2020. Ex.P11 series (2 nos.) are the Health Certificates of the petitioners 2 and 3 dated 27.09.2020. Ex.P.12 is the original salary certificate of the second petitioner dated 26.09.2020. Ex.P.13 series (2 nos.) are the original recommendation letters dated 26.09.2020. Ex.P.14 series (2 nos.) are the photocopies of the Aadhaar card of the 2nd and 3rd petitioners of proof of residence. Ex.P.15 is the photocopy of the PAN Card of the second petitioner. Ex.P16 is the consent and willingness of the 2nd and 3rd petitioners.

7. The petitioners have given evidence to the effect that adoption of the child concerned in this case by the petitioners would be in the best interest and welfare of the minor child itself.

8. The materials placed before this Court definitely show that the minor child is an abandoned child and her welfare definitely deserves the petitioners 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 second and third petitioners are appointed as the adoptive parents.

9. Accordingly, this original petition is ordered as prayed for subject to the following conditions:-

(i) The second and third petitioners are hereby appointed as adoptive parents of the female minor child Kalaivani, whose photograph is duly attested and annexed hereto.

(ii) The minor child Kalaivani is entitled to the legal status of a biological child with all the rights of succession and inheritance.

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

(iv) The birth certificate for Child Kalaivani may be issued by the concerned authorities in India.

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

09.12.2020

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Note: Issue order copy on 21.12.2020

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