

O.P.No.538 of 2020

N.SATHISH KUMAR, J

This petition has been filed under Section 56(1) of the Juvenile Justice Act 2016 read with Clause 17 of the Letters Patent to appoint the petitioners 2 and 3 as adoptive parents of minor Dhyan, originally name as Sujith and grant leave to them to take legal custody of the minor for being brought up and maintained by them.

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

(a) Holy Apostles Convent/first petitioner is a recognised Specialized Adoption Agency, under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015 by the Commissionerate of Social Defence for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations of CATA.

(b) The minor male child Dhyan, originally named as Sujith was born on 15/2/2020. He was declared legally free for adoption by the Child Welfare Committee order, Villupuram, dated 7/9/2020, as per the provisions of Section 38 of the Juvenile Justice Act and the said child is registered in the Child Adoption Resource Information and Guidance System with the Registration No.RIPA/TN2-0324, for the purpose of adoption as envisaged in Section 56 (1) of the Juvenile Justice Act.

(c). The second and third petitioners got married on 23/8/2015. The second petitioner is working as Sales Executive in Sona Polymers on a monthly salary of Rs.20,000/-. The third petitioner is working as a Back Office Executive on a monthly salary of Rs.14,750/-. They have registered in the Child Adoption Resource Information and Guidance System. The minor Dhyan has been referred to the said petitioners On-Line through Child Adoption Resource Information and Guidance System. The second

and third petitioners accepted to adopt the said minor by signing the Child Study and Medical Reports on 23/10/2020. They have been found suitable by the Adoption Committee to adopt the minor Dhyan.

4. Heard Mr.M.B.Dominique, learned counsel appearing for the petitioners.

5. The Secretary of the Holy Apostles Convent of the St.Thomas Mount Babies Home, examined herself as P.W.1. In her evidence, she has reiterated what are all stated in the petition. Second petitioner has been examined as P.W.2. On the side of the petitioners, Exs.P.1 to P.16 had been marked.

6. Ex.P.1 is the Original Home Study report dated 20/3/2018. Ex.P.2 series are the original child study and medical reports dated 23/10/2020. Ex.P.3 is the photocopy of the Child Welfare Committee Order dated 7/9/2020. Ex.P.4 is the photocopy of the minor Dhyan. Ex.P.5 is the

photocopy of the decision of Adoption Committee dated 20/10/2020. Ex.P.6 is the original affidavit of Chief Functionary of Specialized Adoption Agency dated 22/10/2020. Ex.P.7 is the photocopy of the Pre-Adoption Foster Care affidavit dated 23/10/2020. Ex.P.8 is the photocopy of the certificate of registration under Juvenile Justice Act, dated 18/12/2019. Ex.P.9 series are the photocopies of the School certificates of the second and third petitioners showing date of births dated 1/6/1983 and 1/6/1992, respectively. Ex.P.10 is the Marriage Certificate dated 21/11/2016. Ex.P.11 series are the Original Health Certificates of the second and third petitioners dated 10/10/2020. Ex.P.12 is the salary certificate of the petitioners dated 7/10/2020 and 9/10/2020. 5/11/2020. Ex.P.13 series are the original recommendation letters dated 10/10/2020 and 12/10/2020. Ex.P.14 series are the photocopies of Aadhaar card of the second and third petitioners. Ex.P.15 are the photocopies of the pan cards in respect of the second and third petitioners. Ex.P.16 is the consent and willingness of the second and third petitioners dated 23/10/2020.

7. The first petitioner had 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 his 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 petitioners are appointed as the adoptive parents.

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

- (i) The petitioners are hereby appointed as adoptive parents of the minor child Dhyam, whose photograph is duly attested and annexed hereto, as per Section 41(6) of the Juvenile Justice Act of 2000 as amended by Act 33 of 2006.

(ii) The minor child Dhyan 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 physical custody of the minor Dhyan for being brought up and maintained by them in their home town at Thottupurath House, Kuthukuzhi PO, Kothamangalam, Ernakulam District 686 691.

(iv) 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.

(v) The birth certificate for Child Dhyan may be issued by the concerned authorities.

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

mvs.

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