

O.P.No.1085 of 2019

SENTHILKUMAR RAMAMOORTHY J.

This Petition is filed under Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 r/w Section 45(2) of the Juvenile Justice (Care and Protection of Children) Rules 2016 r/w clause 17 of the Letters Patent for giving the minor female child, namely, Monica, who was born on 15.10.2009 in adoption to the Petitioners herein and for a declaration that they are the parents of the minor child and also for a direction to the Birth Certificate Issuing Authority, Chengalpet, Kancheepuram District to issue a birth certificate for the child within 5 working days from the date of receipt of the application.

2. I heard the learned counsel for the Petitioners.

3. The learned counsel for the Petitioners submitted as follows. The minor child, Monica, was born on 15.10.2009. The said minor child was initially abandoned by the biological parents. In the initial period, the minor child was with a Trust which did not have the status of an approved adoption agency. Thereafter, the child was transferred

to the Holy Apostle Convent at St. Thomas Mount, Chennai – 600 016. The said Holy Apostle Convent produced the child before the Child Welfare Committee, Chengalpet, Kancheepuram District and the child was admitted in the Babies Home. The Petitioners approached the Child Welfare Committee in the year 2015 for the purpose of adopting the child and the child was placed under foster care on 23.10.2015 with the Petitioners pursuant to the order passed by the Child Welfare Committee. Thereafter, the child has been under the foster care of the Petitioners and the Probation Officer of the Kancheepuram District also followed up on a periodical basis and provided a report to the Child Welfare Committee. An Application dated 13.03.2018 was given by the Petitioners to the Child Welfare Committee to declare the child free for adoption. Pursuant thereto, by order dated 15.11.2018, the minor child was declared free for adoption purposes. Evidence was recorded in the matter by examining both the Petitioners as P.W.1 and P.W.2.

4. I considered the submissions of the learned counsel for the Petitioners and also examined the evidence recorded in the matter. I find that the first Petitioner was examined as P.W.1 and the following 23 documents were exhibited through P.W.1:

(1) Ex.P1 is the computer generated birth certificate of the

minor child who was born on 15.10.2009.

(2) Ex.P2 is the photocopy of the marriage invitation of the Petitioners dated 02.07.1990.

(3) Ex.P3 is the photocopy of the Aadhaar card bearing No.659364216798 of P.W.1.

(4) Ex.P4 is the photocopy of the Aadhaar card of the minor child, S.Monica, bearing No.740319097475.

(5) Ex.P5 is the photocopy of the pension payment order of the first Petitioner issued by the office of the Accountant General (A & E) Tamil Nadu, Chennai.

(6) Ex.P6 is the photocopy of the medical paper of the fertility centre dated 27.04.1996.

(7) Ex.P7 is the photocopy of the placement order of the child in SOS children's home.

(8) Ex.P8 is the photocopy of the foster care order passed by the Child Welfare Committee dated 23.10.2015.

(9) Ex.P9 is the photocopy of the foster care undertaking of the first Petitioner dated 23.10.2015.

(10) Ex.P10 is the photocopy of the record of a child in foster care, issued by the CWC on 11.10.2017.

(11) Ex.P11 is the photocopy of the letter dated 05.03.2012 sent by Sharon Trust.

(12) Ex.P12(series 2 Nos) are the original medical fitness certificates in respect of both the Petitioners dated 18.12.2017.

(13) Ex.P13 is the photocopy of reference letters in respect of both the Petitioners.

(14) Ex.P14 is the copy of the family photograph of the Petitioners with minor child along with compact disc.

(15) Ex.P15 is the original photo of the minor child along with compact disc.

(16) Ex.P16 is the original order dated 15.11.2018 passed by the Child Welfare Committee declaring the minor child free for adoption.

(17) Ex.P17 is the photocopy of the application dated 13.03.2018 given by the Petitioners to Child Welfare Committee to declare the child free for adoption.

(18) Ex.P18(series three sheets) are the photocopies of the insurance policy of the first Petitioner bearing No.7120031710015048 in the New India Assurance Company Limited.

(19) Ex.P19 is the photocopy of the school identity card of the minor child.

(20) Ex.P20 is the photocopy of the RC Book in respect of the first Petitioner bearing vehicle No.TN 19 B 9102.

(21) Ex.P21 is the photocopy of the revised pay commission order for pension of the first Petitioner.

(22) Ex.P22 is the photocopy of revised undertaking by the foster family dated 11.10.2017.

(23) Ex.P23 is declaration of willingness given by the Petitioners to accept the office of proposed legal parents of the minor child Monica.

Similarly, the second Petitioner was examined as P.W.2 and her Aadhaar card was marked in evidence as Ex.P24.

5. On examining the aforesaid evidence, I find that the birth certificate of the minor child has been marked as Ex.P1 and this document shows that the minor child was born on 15.10.2009 to Shanthi and Raji. The marriage invitation of the Petitioners dated 02.07.1990 was marked as Ex.P2 and this document shows that the Petitioners married each other on 02.07.1990. The order passed by the Child Welfare Committee on 11.10.2017 with regard to the record of the child in foster care reflects that the minor child was handed over to the foster family, i.e. the Petitioners on 23.10.2015, and this document was marked as Ex.P-10. The order passed by the Child

Welfare Committee declaring the minor child free for adoption has been marked as Ex.P16 and it shows that the child is free for adoption with effect from 15.11.2018. The pension payment order of the first Petitioner issued by the Office of the Account General (A & G) Tamil Nadu, Chennai has been marked as Ex.P5 in proof of the financial status of the Petitioners. In this connection, the revised pay commission order in respect of the pension of the first Petitioner is marked as Ex.P21. The declaration of willingness of the two petitioners to accept the minor child as proposed legal parents has been marked as Ex.P23.

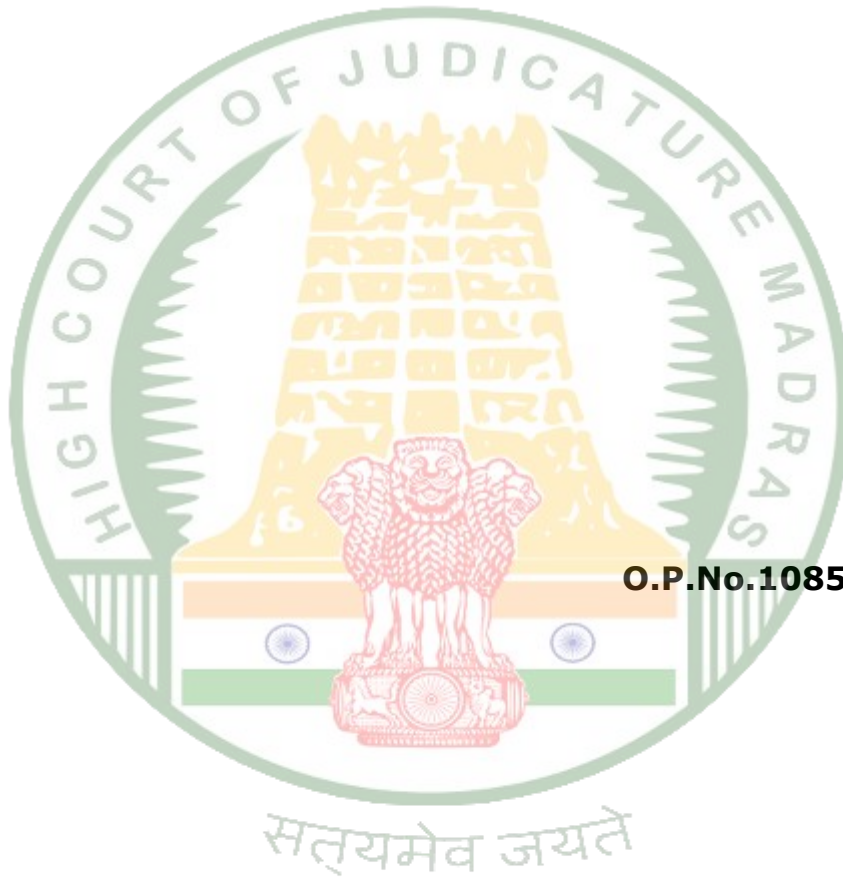
6. On consideration of the above evidence and also keeping in mind that the minor child was abandoned and was declared free for adoption by the Child Welfare Committee, I am of the view that it is in the paramount interest of the child that this Petition should be allowed. Accordingly, the Petition is allowed by declaring the petitioners as the parents of the minor child, namely, Monica, born on 15.10.2009. Consequently, the Birth Certificate Issuing Authority, Chengalpet, Kancheepuram District, is directed to issue the birth certificate of the minor child, Monica, within 5 working days from the date of receipt of the application by incorporating the particulars of the parents.

29.01.2020

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SENTHILKUMAR RAMAMOORTHY.J.

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