

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.1043 of 2019

1. Varshini Illam Trust,
Resented by their authorised person
Mr.John Alex,
Villa No.2 Block No.59
Bolinenni Hill Side,
Nookampalayam,
Perumbakkam Road,
Chennai.

2. R.Sundarsana Srinivasan

3. S.Jayalakshmi

...Petitioners

Original Petition filed under Section 56(1) of the Juvenile Justice (Care & Protection of Children) 2015 (2 of 2016) read with Regulations 12(2) praying that the petitioners Mr.R.Sudharsana Srinivasan and Mrs.S.Jayalakshmi residing Flat No.2, Door No.138, 7th Street, 1st Sector, K.K.Nagar, Chennai – 78 be appointed as parents of the minor female child Nila now known as Aditi Srinivasan whose date of birth is 08.10.2018;

a) 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 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) directing the Birth Certificate issuing Authority to issue birth certificate for Child Nila now known Aditi Srinivasan 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) directing the Regional Passport Office 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 : M/s.Jayasudha Suryanarayanan

ORDER

This petition is filed for the appointment of the second and third petitioners as the parents of the minor female child viz., Nila, now known as Aditi Srinivasan whose date of birth is 08.10.2018 and for directions to the Birth Certificate Issuing Authority and to the Regional Passport Office to issue the birth certificate and the passport by incorporating the particulars of the parents.

2. I heard the learned counsel for the petitioners.

3. The learned counsel submitted that the first petitioner is an authorised adoption agency. The second and third petitioners are the present foster parents of the minor female child who was born on 08.10.2018. The learned counsel submitted that the child was

abandoned on 23.10.2018 at NSK Nagar, Villupuram District and subsequently, rescued and handed over by the Child Welfare Committee, Villupuram on 23.10.2018. Thereafter, the child was declared as legally free for adoption by the Child Welfare Committee, Villupuram, by its order dated 20.09.2019.

4. She submitted that both the second and third petitioners are Indian Citizens and that they married each other on 11.02.2004 at Chennai. She also pointed out that the second petitioner is working as an executive in EIT Services India Limited and has an annual income of Rs.22,38,969/-.

5. In support of the petition, evidence was recorded by examining the second petitioner as P.W.1 and the Trustee of the first petitioner as P.W.2. In the course of the examination in chief of P.W.1, the following 15 documents were exhibited viz., Ex.P1 to Ex.P15:

- Ex.P1 - The original temporary custody letter dated 23.10.2018 given by CWC.
- Ex.P2 - The original CWC Clearance dated 20.09.2019.
- Ex.P3 - The Computer generated CARA on-line application dated 05.07.2017
- Ex.P4 - The original Home study Report dated 10.07.2017.
- Ex.P5 - The original Child Study Report dated 03.10.2019.

- Ex.P6 – The original Medical Examination Report dated 03.10.2019.
- Ex.P7 – The Original Pre-Adoption Foster Care Undertaking dated 03.10.2019 given by adoptive parents.
- Ex.P8 – The photocopy of the Record of Marriage of the 2nd and 3rd petitioners dated 12.02.2004 (Marked after comparing and verifying with the original).
- Ex.P9 – The original certificate of medical fitness in respect of adoptive parents dated 01.07.2017.
- Ex.P10 – The computer generated Income Tax returns of the second petitioner for the assessment year 2019-20.
- Ex.P11- (series 3 No) are the photocopies of the postal ID Card of the 3rd petitioner along with Aadhaar card of 2nd and 3rd petitioners (marked after comparing and verifying with the original).
- Ex.P12 - (Series 2 Nos) are the photocopies of the PAN Cards of the 2nd and 3rd petitioners (marked after comparing and verifying with the original).
- Ex.P13 - (Series 2 Nos) are the photocopies of HSC certificates in respect of the 2nd and 3rd petitioners showing their date of birth as 10.11.1975 and 21.04.1982 (marked after comparing and verifying with the original).
- E.P14 – The original Declaration of Willingness of the adoptive parents to accept the office of guardianship in respect of the minor child Nila now known as Aditi Srinivasan.
- Ex.P15 – The original photograph of the minor child Nila now known as Aditi Srinivasan along with Compact Disc.

6. In addition, during the examination in chief of P.W.2, three

documents were marked including the original Trust Deed and the certificate of recognition by the State Government.

7. Therefore, the learned counsel submitted that the petitioners are entitled to be appointed as parents and for consequential orders for the issuance of the Birth Certificate and Passport.

8. I considered the submissions of the learned counsel and examined the evidence recorded in this case. From the evidence, I find as follows:

(i) The original photograph of the minor child Nila now known as Aditi Srinivasan, has been marked along with the Compact Disc as Ex.P15.

(ii) The original medical examination report dated 03.10.2019 has been marked as Ex.P6.

(iii) The original clearance given by the Child Welfare Committee on 20.09.2019 has been marked as Ex.P2 and this document shows that the child is free to be placed in adoption as per the established procedures.

(iv) The second and third petitioners also provided the Pre-Adoption Foster Care undertaking, which has been marked as Ex.P7.

(v) The original child study report dated 03.10.2019 has been marked as Ex.P5.

(vi) The record of the marriage of the second and third petitioners has been marked as Ex.P8, which shows that the marriage was performed on 12.02.2004.

(vii) The Income Tax Returns of the second petitioner for the assessment year 2019-2020 has been marked as Ex.P10 and this shows that the second petitioner is in a financially sound condition.

(viii) Both the petitioners have also submitted a declaration of willingness to adopt the child and this document has been marked as Ex.P14.

9. Based on the aforesaid evidence, I find that the second and third petitioners have established that they are entitled to be appointed as the parents of the minor female, child, Nila now Aditi Srinivasan. Moreover, in view of the fact that the child was abandoned on 23.10.2018, it is clearly in the paramount interest of the minor child that the child is given in adoption to fit and proper persons such as the petitioners.

10. Therefore, this petition is allowed by issuing the following directions:

(i) Mr.R.Sudharsana Srinivasan and Mrs.S.Jayalakshmi, the second and third petitioners herein are hereby appointed as the parents of the minor female child Nila, now known as Aditi Srinivasan, who was born on 08.10.2018.

(ii) The second and third petitioners are declared as parents of the minor child for all purposes with all rights of succession and inheritance to the minor child.

(iii) The Birth Certificate Issuing Authority is directed to issue the Birth Certificate of the child Nila, now known as Aditi Srinivasan, within five working days from the date of application by incorporating the particulars of the parents.

(iv) The Regional Passport Office is directed to issue the Passport to the minor child within ten days from the date of application by incorporating the particulars of the parents.

04.02.2020

SENTHILKUMAR RAMAMOORTHY, J.

WEB COPY

rli

Speaking (or) Non Speaking Order
Index : Yes/ No
Internet : Yes

rli



O.P.No.1043 of 2019

04.02.2020

WEB COPY