

O.P.No.91 of 2021

R. PONGIAPPAN,J.

This petition has been filed under Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act 2015 (2 of 2016) read with Regulations 12(2) to declare the prospective adopted parents as parents of the person of the minor child for the 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 succession and inheritance; to direct the Birth Certificate issuing authority to issue birth certificate for the child Nidhi now known as R.N.Adithi within the five working days from the date of application as per the provisions of sub-regulation (5) of the regulations 18 and 36 of CARA regulations and to direct the Regional Passport office concerned to issue passport to the child within 10 days from the date of application as per sub-regulations(4) of the regulations 18 and 36 of CARA Regulation.

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

(a) The 1st Petitioner M/s. Varshini Illam is a recognized specialized

Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) 2015 (2 of 2016) by the State Government of Tamil Nadu, having its office at No.108 AH Block 4th Street, Shanthi Colony, Anna Nagar, Chennai 600040. The main activity of the said institution is rehabilitating orphans, abandoned and surrendered children through adoption in accordance with the provisions of Juvenile Justice Act. The inter country license granted to the petitioner institution by the Government of Tamil Nadu has been renewed on 23.12.2016 and the period of validity of the certificate is five years from 23.12.2016 to 22.12.2021.

(b) The 1st Petitioner Child Care Institution having the case and custody of the minor female child Nidhi, now known as R.N.Adithi having date of birth as 25.04.2020, who was found abandoned and was handed over to the 1st petitioner institution before the Child Welfare Committee Villupuram on 22.05.2020. The said female minor child was declared as legally free for adoption by the Child Welfare Committee, Villupuram by its order dated 22.09.2020. Hence the seven months old child was free for adoption.

(c) The 2nd and 3rd petitioners are Indian Citizens and they got married on 12.06.1976 at Tirupporur. They wanted to adopt a child. They believe that they have much to offer a child including their home, love and ability to financially care for a child. The 2nd Petitioner is working in Department of Atomic Energy, Kalpakkam as a SA-E, gets gross monthly income of Rs.82,602/-. The 3rd Petitioner is working in Syntel Ltd., Siruseri, chennai and gets gross monthly income of Rs.76,329/-. The financial position of the petitioners is good. Hence, they have sufficient means to take guardianship and adoption of the minor child.

(d) They registered for adoption only with CARA on 08.03.2018. As per the new CARA guidelines 2015 child Nidhi now known as R.N.Adithi was matched online and the 2nd and 3rd Petitioners accepted to adopt the child Nidhi now known as R.N.Adithi on 25.04.2020. The particulars called from them along with home study report submitted by Varshini Illam Trust on 01.06.2018. The minor child Nidhi was shown to the couple and they also decided to adopt the child.

(e) The minor child was given in Foster Care 06.11.2020 to the 2nd and 3rd Petitioners and the couple have been bringing up the child as their own, bestowing the parental affection. They renamed the child as R.N.Adithi. The couple 2nd and 3rd Petitioners herein submitted that they have signed the custody report and Medical Examination Report pertaining to the minor child and decided to adopt the minor child.

3. Heard the learned counsel appearing for the petitioners.

4. The 2nd petitioner was examined as P.W.1. In his evidence, he has reiterated what are all stated in the petition.

5. While deposing, the P.W.1 marked 17 documents as Exs.P1 to P16. Ex.P1 is the photocopy of the Transfer letter of SAA dated 04.08.2020. Ex.P2 is the temporary custody letter of CWC dated 22.05.2020. Ex.P.3 is the original CWC clearance dated 22.09.2020 in respect of the minor child Nidhi. Ex.P.4 is the computer generated CARA application dated

08.03.2018. Exs.P.5 and P.6 are Original Home study and original Child study reports dated 01.06.2018 and 06.11.2020 respectively. Ex.P.7 is the original Medical Examination Report in respect of the minor child dated 06.11.2020. Ex.P.8 is the original Pre-Adoption Foster care undertaking given by the Adoptive parents dated 06.11.2020. Ex.P.9 is the photocopy of the extract of Marriage of adoptive parents dated 22.10.2020. Ex.P.10 is the original certificate of medical fitness of adoptive parents dated 23.10.2020. Ex.p.11 is the computer generated salary slip of adoptive parents for the month of November and October 2020. Ex.P.15 is the original Declaration of willingness given by the adoptive parents. Ex.P.16 is the photograph of the minor child Nidhi along with compact disc.

6. P.W.2 Mr.John Alex, Trustee of the Varshini Illam/1st Petitioner herein in his evidence has stated that the 2nd and 3rd Petitioner are willing to adopt the minor child and his trust has completed all the legal formalities for the adoption. He also marked photocopy of the trust deed as Ex.P.17, Original Affidavit from SAA as Ex.P.18 and photocopy of the certificate of Recognition by the State Government dated 23.12.2016. The P.W.1/2nd

Petitioner had given evidence to the effect that adoption of the child concerned in this case by the 2nd and 3rd petitioners would be in the best interest and welfare of the minor child itself.

7. 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.

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

(i) The 2nd and 3rd petitioners are declared as the parents of the female minor child Nidhi now known as R.N.Adithi, whose photograph is duly attested and annexed hereto, as per Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act 2015 (2 of 2016).

(ii) The minor child Nidhi now known as R.N.Adithi, is

entitled to the legal status of a biological child with all the rights of succession and inheritance.

(iii) The 2nd and 3rd petitioners are permitted to take physical custody of the minor Nidhi now known as R.N.Adithi, for being brought up and maintained by them in their home at Chennai.

(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 Nidhi now known as R.N.Adithi, may be issued by the concerned authorities in India as per CARA regulations.

(vi) The Regional Passport Office concerned shall issue necessary passport for the said child as per CARA Regulations.

02.03.2021

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