

O.P.No.93 of 2021

R. PONGIAPPAN, J.

This Original Petition has been filed by the petitioners under Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act 2015, read with Regulations 12(2) of the Adoption Regulations to appoint the petitioners 2 and 3 as parents of the person of Minor female child, namely, Shreya now known as Priyanka, whose date of birth is 22.11.2019, and to declare the 2nd and 3rd petitioners as parents of the said minor child with the legal status of a biological child with all right of succession and inheritance and for directions to issue Birth Certificate and Passport in respect of the child.

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

(a) The 1st petitioner, Varshini Illam Trust, is a recognised Specialised Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015, for rehabilitating orphans, abandoned and surrendered children through adoption. The in-country licence granted to the 1st 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. The said institution is now functioning at No.108, AH Block, 4th Street, Shanthi Colony, Anna Nagar, Chennai – 600 040, within the legal jurisdiction of this Court.

(b) The minor female child Shreya now known as Priyanka was born on 22.11.2019 and was found abandoned and was handed over to the petitioner Institution before the Child Welfare Committee, Kancheepuram, on 02.12.2019. The said female minor child was declared as legally free for adoption by the Child Welfare Committee, Kancheepuram, by its order dated 24.07.2020. Hence, the child is free for adoption.

(c) The 2nd and 3rd petitioners got married on 06.03.2006 and they are now residing at No.50/28, K.G.K.Street, Kumbakonam, Thanjavur, Tamil Nadu – 612 001. They do not have a biological child and they wanted to adopt a child. The 2nd petitioner is running a grocery shop named “Maruthi Maligai” at Kumbakonam and the annual income is Rs.4,15,942/-. His wife, i.e., the 3rd petitioner, is a housewife. They believe that they have

much to offer a child, including their home, love and ability to financially care for a child, and the financial position of the couple is good.

(d) The 2nd and 3rd petitioners registered for adoption online with CARA on 30.01.2018 and found the above said minor child Shreya now known as Priyanka and they accepted to adopt the child and submitted all the particulars called for from them along with Home Study Report conducted by SOCSEAD, Trichy, on 10.02.2018. The child was shown to the couple and the child was given in Foster Care on 17.09.2020 to the 2nd and 3rd petitioners, and from that day onwards, the said couple has been bringing up the said child as their own, bestowing parental affection. The 2nd and 3rd petitioners renamed the child as “Priyanka”.

(e) It is averred by the petitioners in the petition that no guardian of person or property of the said minor female child has been appointed by any Court and that no application has been made any time to this Court with regard to the adoption of the minor child above named or any other Court except before the Principal City Civil Court, Chennai, in Sr.No.9601/2020,

which was returned and presented before this Court. The minor female child above named has no property.

(f) The conditions laid down in Section 61(1) of the Juvenile Justice Act have been complied with in this adoption case and the 2nd and 3rd petitioners undertake to do the necessary submissions to CARA as post adoption procedure and complete all legal formalities.

3. Heard the learned counsel appearing for the petitioners. There are no respondents in this petition.

4. In this regard, the 2nd petitioner examined himself as P.W.1. He reiterated the averments stated in the petition. While deposing, he marked 16 documents as Exs.P1 to P16. Ex.P1 is the photocopy of the letter of transfer dated 04.08.2020. Ex.P2 is the original temporary custody letter of CWC dated 02.12.2019. Ex.P3 is the original CWC Clearance dated 24.07.2020. Ex.P4 is the computer generated CARA online application by Adoptive parents dated 30.01.2018. Ex.P5 is the original Home Study

Report dated 10.02.2018. Ex.P6 is the original Child Study Report dated 17.09.2020. Ex.P7 is the original Medical Examination Report of the minor child Shreya dated 17.09.2020. Ex.P8 is the original Pre-adoption Foster Care Undertaking by adoptive parents dated 17.09.2020. Ex.P9 is the photocopy of the record of marriage of adoptive parents dated 25.08.2020. Ex.P10 is the original certificate of Medical Fitness of Adoptive parents dated 15.09.2020. Ex.P11 is the online IT Returns of adoptive father for the assessment year 2020-2021. Ex.P12 are the photocopies of the Aadhar Cards of the adoptive parents showing the address proof. Ex.P13 are the photocopies of the PAN Cards of the adoptive parents. Ex.P14 are the photocopies of the Transfer Certificates of the adoptive parents showing the date of birth as 06.06.1977 and 11.03.1979. Ex.P15 is the declaration of willingness given by adoptive parents, dated 30.12.2020. Ex.P16 is the photograph of the minor child Shreya renamed as Priyanka along with Compact Disc.

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5.Mr.John Alex, the Trustee of the 1st petitioner Trust, examined himself as P.W.2. In his evidence, he deposed that he is the Trustee of the

1st petitioner Trust and he undertook to complete the formalities to give the minor child above named in adoption to the 2nd and 3rd petitioners herein. While deposing, he marked three documents as Exs.P17 to P19. Ex.P17 is the photocopy of the Trust Deed dated 09.04.2014. Ex.P18 is the original affidavit of the 1st petitioner. Ex.P19 is the photocopy of the Certificate of Recognition by State Government dated 23.12.2016.

6.The materials placed before this Court would show that the 2nd and 3rd petitioners, who do not have a biological child, have decided to adopt the minor child, namely, Shreya now known as Priyanka, whose date of birth is 22.11.2019, who was an abandoned child, and her welfare definitely deserves the 2nd and 3rd petitioners being appointed as adoptive parents and being given to them as their adoptive child. Therefore, I am satisfied that it will be most beneficial to the minor child, if the 2nd and 3rd petitioners are appointed as her adoptive parents.

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7.Accordingly, this Original Petition is ordered as prayed for subject to the following conditions:-

- i. The 2nd and 3rd petitioners are hereby appointed as adoptive parents of the minor female child Shreya now known as Priyanka, whose photograph is duly attested and annexed hereto, as per Section 56(1) of the Juvenile Justice Act (Act 2 of 2016).
- ii. The minor child Shreya now known as Priyanka, 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 Shreya now known as Priyanka, for being taken, brought up and maintained by them.
- iv. The 2nd and 3rd 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 of the minor Shreya now known as Priyanka may be issued with the 2nd and 3rd petitioners

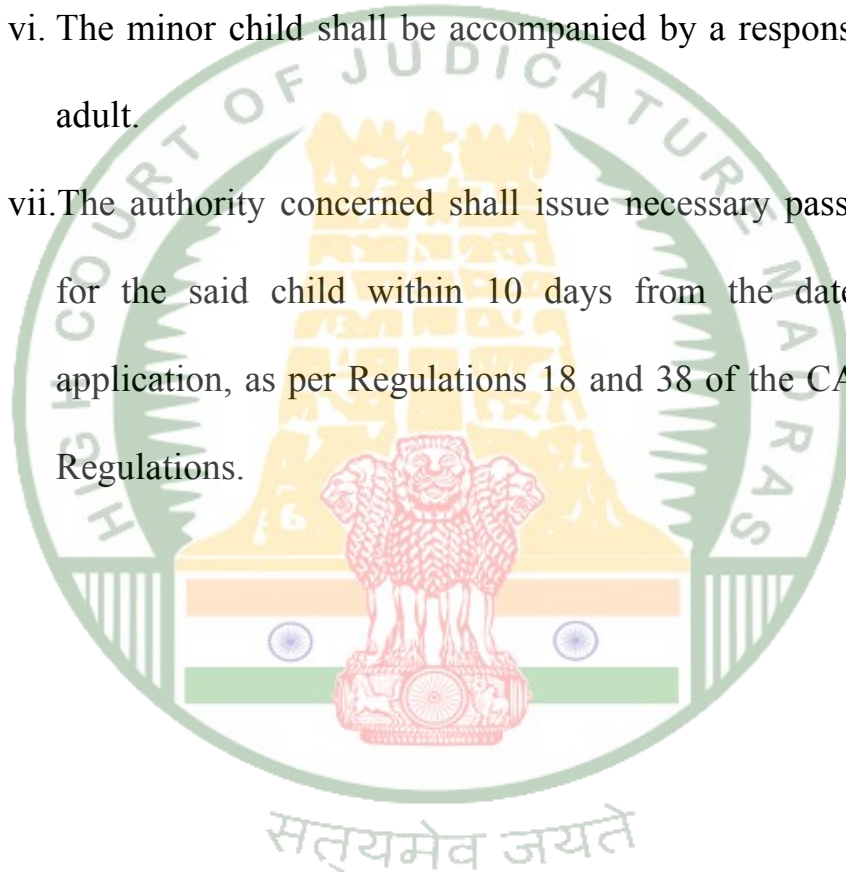
as parents along with the name of the child within five working days from the date of application, as per the provisions of Regulations 18 and 36 of the Regulations of CARA, by the concerned authorities.

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

vii. The authority concerned shall issue necessary passport for the said child within 10 days from the date of application, as per Regulations 18 and 38 of the CARA Regulations.

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