

O.P.No.129 of 2021

R.PONGIAPPAN, J.

This petition has been filed under Section 56(2) of the Juvenile Justice (Care and Protection of Children) Act 2015 read with regulation 51 and 55 of the Adoption Regulations (as amended by Act 2 of 2016) for the following reliefs:

i. the minor children Richelle Riona Ferrao, female born on 10.11.2004 and Minor Clarissa Siophia Ferrao, female born on 24.05.2013 may please be given in adoption to the petitioners and the petitioners be declared as the parents of the said minor children for all purposes allowed by law.

ii. the Birth certificate issuing Authority, Corporation of Chennai, may please be directed to issue Birth Certificate for the said children within five working days from the date of application, as provided in regulation 36 of the Adoption Regulations.

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

(a) The petitioners are husband and wife and got married on 29.04.1997. They have two biological children namely, Jessica Mervis

Venkatesh aged 28 years and Prateeka Jervis Venkatesh, aged 22 years. The petitioners are prospective adoptive parents and relatives of the natural/biological parents. The petitioners are maternal uncle and aunt of the minor children Richelle Riona Ferrao, and Clarissa Sophia Ferrao. Both the children Minor Richelle Riona Ferrao, and Minor Clarissa Sophia Ferrao were born to the natural parents Mr Dominic Joseph Ferrao and Mrs Sonia Balamurugan on 10.11.2004 and 24.05.2013, respectively and they are residing in Chennai with the Petitioners.

(b). The natural parents' of the two minor children got married on 01.05.2002 and out of the wedlock these two minor female children namely Richelle Riona Ferrao and Clarissa Sophia Ferrao were born to them on 10.11.2004 and 24.05.2013, respectively. The natural mother of the children namely, Mrs Sonia Balamurugan was in a relationship with another person and wanted to separate from her erstwhile husband/natural father namely Mr Dominic Joseph Ferrao and as such they obtained a decree of divorce from the Hon'ble Family Court at Chennai vide order dated 14.03.2018 in O.P. No.613 of 2018, wherein both the natural parents have given up all claims against each other.

(c). The second petitioner and the natural mother, Mrs.Sonia Balamurugan are cousins. The said natural mother is the daughter of the 2nd petitioners father's brother. The parties are related to each other by blood.

(d).The children of the natural parents who were then minors were left abandoned as natural mother started living with her new partner and the natural father had to leave India as he works at Wallem Ship Management Limited, Hong Kong.

(e).The second petitioner has been appointed as the legal guardian of the minor children vide order dated 09.04.2018 in O.P.No.268 of 2018 passed by this court. The petitioners have been taking care of the children's day to day needs emotionally and financially and have been raising the minor children as their own daughters with the love and affection as that of their own biological children from the year 2018 onwards.

(f). The natural parents are desirous of placing the children in adoption for the reason that they are not in a position to take care of their children as the marital relationship between the natural parents has broken and they are living separately. The Biological mother has now remarried

and has given birth to a child from the wedlock and is incapable of taking care of these minor children. She does not want to stand in the way of her minor children or take any responsibility and has agreed to give the minor children in adoption to the petitioners. The biological father who is working in abroad has not been able to visit the minor children, even more due to the travel restrictions during COVID-19 pandemic and keeping in mind the well-being of the children, he believes that it would be ideal, if the petitioners legally adopt the minor children to avoid any trouble in future as he is not in a position to take the responsibility.

(g). The prospective adoptive parents are desirous of adopting the children for the reason that they are having more love and affection towards the minor children and that the biological parents have literally abandoned them and since 2nd petitioner is the maternal aunt, she already being the legal guardian, as per the order passed by this Court and is taking care of the minor children. The petitioners and the natural parents have given consent to the proposed adoption which is annexed with this petition. The children proposed to be adopted have also given their respective consents for the said adoption and are willing to accept the petitioners as parents.

The Children are aged 16 and 7 years, respectively and are capable of giving such consent.

(h). The adoption of the two children by the petitioners from the natural parents would be in the paramount interest and welfare of the child and the petitioners would treat the children as their own, with all rights and responsibilities. The petitioners undertake that they are responsible for the maintenance and education of the minor children and undertake to bring them up in a healthy and positive environment. The Petitioners submit that they are financially sound and are very capable of taking care of the Children. The two girls will also have the care and support of the adopted older sisters who are the natural children of the petitioners. The petitioners have already filed necessary online application with the registration no. RLTN 202101075730 with State Adoption Resource Agency (SARA) regarding the adoption of the minor children. The conditions laid down in Section 61 (1) of the Juvenile Just Act have been complied with in the case of proposed adoption. The giver and takers have no interest directly or indirectly adverse to that of the child/children. The financial position of the

petitioners is good. Hence, they have sufficient means to take guardianship and adoption of the minor children.

3. Heard the learned counsel appearing for the petitioners.

4. The first petitioner was examined as P.W.1. In his evidence, he has stated that the 2nd petitioner is his wife. He deposed on behalf of the 2nd petitioner also. He has filed his proof affidavit stating the facts of this case and the same may be treated as part and parcel of his examination-in-chief. In continuation of his proof affidavit, the following documents were marked as exhibits on his side. Ex.P1 is the computer generated birth certificate of Richelle Riona Ferrao, who was born on 10.11.2004. Ex.P2 is the computer generated birth certificate of Clarissa Sophia Ferrao, who was born on 24.05.2013. Ex.P3 is the photocopy of the Order dated 09.04.2018 passed in O.P.No.268 of 2018. Ex.P4 is the photocopy of the letter dated 01.10.2020 given by the biological mother to the petitioners. Ex.P5 is the photocopy of the letter dated 12.10.2020 given by the biological father to the petitioners. Ex.P6 is the photocopy of the consent dated 03.10.2020 given by the

biological parents and adoptive parents as per schedule XIX of the Act for Minor Richelle Riona Ferrao. Ex P7 is the photocopy of the consent dated 03.10.2020 given by the biological parents and adoptive parents as per schedule XIX of the Act for Minor Clarissa Sophia Ferrao. Ex P8 is the photocopy of the Memorandum of Undertaking dated 01.10.2020 entered into between the petitioners and the biological parents. Ex.P9 is the Declaration dated 03.10.2020 given by the biological parents and adoptive parents. Ex P10 is the photocopy of the affidavit dated 03.10.2020 given by the petitioners regarding their income and undertaking for minor child Richelle Riona Ferrao. ExP11 is the photocopy of the affidavit dated 03.10.2020 given by the petitioners regarding their income and undertaking for minor child Clarissa Sophia Ferrao. Ex.P12 and Ex.P13 are the photocopies of the consent dated 03.10.2020 given by the minor children. Ex P.14 is the photocopy of his Aadhaar card bearing No.6919 3008 2703. Ex.P15 is the photocopy of the Aadhaar card of the second petitioner bearing No.2353 6179 9703. Ex.P16 (Series 2 Nos) are the photocopies of the address proof of biological parents. Ex.P17 is the online copy of the CARA Adoption Agency Registration Details.

5. The materials placed before this Court definitely shows that the welfare of the minor children definitely deserves the first and second petitioners being appointed as adoptive parents and being given to them as their adoptive children. I am satisfied that it will be most beneficial to the minor children, if the first and second petitioners are appointed as the adoptive parents.

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

(i) The first and second petitioners are hereby appointed as adoptive parents of the female minor children viz., Richelle Riona Ferrao, and Clarissa Sophia Ferrao., whose photographs are duly attested and annexed hereto.

(ii) The minor children viz., Richelle Riona Ferrao, and Clarissa Sophia Ferrao are entitled to the legal status of a biological children with all the rights of succession and inheritance.

(iii) The birth certificates for minor Children viz.,
Richelle Riona Ferrao, and Clarissa Sophia Ferrao may be
issued by the concerned authorities in India.

msv

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