



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 02nd DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No. 225 of 2021

In the matter of Juvenile Justice Act &
In the matter of Minor Male
Sharbudin, Date of Birth: 07/12/2016

1.Bala Mandir Kamaraj Trust, rep by its
Power Agent and Social Worker Ms.Chitra Krishnan,
No.8, G.N.Chetty Road, T.Nagar,
Chennai – 600 017.

2.Mr.Broccardi Stefano

3.Mrs.Artoni Cristiana
Residing at Via I.Sannazzaro,55/01,
42123, REGGIO EMILIA, ITALY
represented by their Power of
Attorney Holder Ms.Chitra Krishnan.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to

That the 2nd and 3rd petitioners Mr.Broccardi Stefano and Mrs.Artoni
Cristiana, W/o Mr.Broccardi Stefano, both residing at Via. 1. Sannazzaro,
55/01, 42123, Reggio Emilia, Italy, be appointed as parents of the minor
male child Sharbudin whose date of birth is 07/12/2016



a) that the prospective adoptive parents please be declared as parents of the person of the said child for all purposes allowed by the law and be allowed to be taken to the country of their residence for up-bringing the child as their own child with the legal status of a biological child with all the rights of succession and inheritance;

b) that the Birth Certificate issuing Authority please be directed to issue Birth Certificate for child Sharbudin within five working days from the date of application, as per the provisions of sub-regulations (5) of the Regulation 18 and Regulation 36 of the CARA Regulations; and

(c) the Regional Passport Office concerned be directed to issue Passport for the said child within 10 days from the date of application, as per sub-regulations (4) of Regulation 18 and Regulation 38 of the CARA Regulations.

This Original Petition coming on this day before this court for hearing in the presence of Mrs. Jayasudha Suryanarayanan, Advocate for the petitioners herein and upon reading the petition together with the letter of acceptance/declaration of willingness of Broccardi Stefano and Artoni



of the minor above named, and the other exhibits therein referred to and upon perusing the evidence adduced therein and this court observing that the petitioners 2 and 3 herein are the fit and proper persons to take adoption of the male child and to be the adoptive parents of the minor male child, **it is ordered as follows:-**

That Mr. Broccardi Stefano and Mrs. Artoni Cristiana, the Petitioners 2 and 3 herein residing at Via I. Sannazzaro, 55/01, 42123, Reggio Emilia, Italy be and are hereby appointed as natural guardians/parents of the minor male child Sharbudin, whose date of birth is 07.12.2016, and whose photograph is duly attested and annexed hereto, as per Section 56(1) of the Juvenile Justice Act of 2015 as amended by Act 2 of 2016 and they are hereby declared as the adoptive parents for the person of the said minor child.

2. That the petitioners 2 and 3 herein, be and are hereby permitted to take the said minor child to the country of their residence (Italy) for upbringing the child as their own child with the legal status of a biological child with all the rights of succession and inheritance.

3. That the Birth Certificate issuing Authority is hereby directed to



issue Birth Certificate for the minor child Sharbudin within five working days from the date of application thereof, as per the provisions of Sub-regulation (5) of Regulation 18 and Regulation 36 of the CARA Regulations.

4. That the Regional Passport Office concerned is hereby directed to issue Passport for the said child Sharbudin within ten days from the date of application thereof, as per sub-regulation (4) of Regulations 18 and 38 of the CARA Regulations.

5. That the petitioners 2 and 3 herein be and are hereby permitted to take the custody of the minor male child Sharbudin for being adopted, fostered, brought up and maintained by them in Italy.

6. That the petitioners 2 and 3 herein be and hereby also permitted to take the child out of India for being brought up by them in Italy.

7. The petitioners 2 and 3 herein shall submit periodical reports regarding the welfare of the child at the intervals of three months in the first two years, and at the intervals of six months during the succeeding three years to the Court.



8. That the minor child Sharbudin shall be adopted by the petitioners 2 and 3 in accordance with the local laws in Italy, within a period of one year from the date of this order.

Annexure

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 02nd DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



WEB COPY

MU
21.09.2021

6

O.P. No. 225 of 2021

ORDER

DATED : 02.08.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 30.09.2021

APPROVED ON: 04.10.2021

Copy to:

1. The Secretary, Central Adoption Resource Agency, Ministry of Women & Child Dept, West Block VIII, Wing No.1, Second Floor, R.K.Puram, New Delhi.
2. The Secretary, Government of Tamil Nadu, Department of Social Welfare, (Dealing with Child Adoption), Fort St. George, Chennai-600 009.
3. The Directorate of Social Welfare dealing with Child adoption (Behind Old Engineering Building) Chepauk, Chennai 600 005.
4. The Secretary, Bala Mandir Kamaraj Trust, No.8, G.N.Chetty Road, T.Nagar, Chennai – 600 017.
5. The Regional Passport Officer, Shastri Bhavan, Chennai-600 006.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.08.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Original Petition No.225 of 2021

1. Bala Mandir Kamaraj Trust,
Rep. by its Power Agent and Social Worker
Ms.Chitra Krishnan,
No.8, G.N.Chetty Road, T.Nagar,
Chennai-600 017.

2. Mr.Broccardi Stefano

3. Mrs.Artoni Cristiana

.. Petitioners

Original Petition filed under Section 56(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) read with Regulations 12(2) and 17(1) of the Adoption Regulations.

For petitioners : M/s.Jayasudha Suryanarayanan

ORDER

This Original Petition (O.P) is filed under Section 56(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016) read with Regulations 12(2) and 17(1) of the Adoption Regulations, praying for the following reliefs:



WEB COPY The second and third petitioners -- Mr.Broccardi Stefano and Mrs.Artoni Cristiana, wife of Mr.Broccardi Stefano, both residing at Via. 1. Sannazzaro, 55/01, 421/23, Reggio Emilia, Italy, be appointed as parents of the minor male child Sharbudin whose date of birth is 07.12.2016:-

(a) that the prospective adoptive parents may be declared as parents of the person of the said child for all purposes allowed by the law and may be allowed to be taken to the country of their residence for up-bringing the child as their own child with the legal status of a biological child with all the rights of succession and inheritance;

(b) that the Birth Certificate issuing Authority may be directed to issue Birth Certificate for child Sharbudin within five working days from the date of application, as per the provisions of sub-regulations (5) of the Regulation 18 and Regulation 36 of the CARA Regulations; and

(c) the Regional Passport Office concerned may be directed to issue Passport for the said child within 10 days from the date of application, as per sub-regulations (4) of Regulation 18 and Regulation 38 of the CARA Regulations.

2. The facts as culled out from the petition filed by the petitioners, are briefly stated hereunder:

(a) The first petitioner 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, for rehabilitating orphans, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations. CARA (Central Adoption Resource Authority) has issued notice on 18.05.2016 to all specialized Adoption Agencies that they can file petition in Court. Bala Mandir Kamaraj Trust, Chennai, being Specialized Adoption Agency had been directed by CARA in their NOC, dated 31.03.2019 to do inter-country adoption in this case. The in-country licence granted to the first petitioner-institution by the Government of Tamil Nadu has been renewed on 29.04.2019 and the period of validity of the certificate is five years from 31.12.2018 to 29.12.2023. The first petitioner has no objection in placing the child in adoption, as these parents have been matched by the international adoption agency through AFAA (Authorised Foreign Adoption Agency) International Adoption Agency, Italy in on-line process.

(b) The first petitioner is a registered Child Care institution, which is having the care and custody of the minor male child Sharbudin, having date of birth as 07.12.2016.

(c) The second petitioner is Mr. Broccardin Stefano, aged about 46 years and the third petitioner is Mrs. Artoni Cristiana, wife of Mr. Broccardi



Stefano, aged about 48 years, both are residing at, via 1. Sannazzaro, 55/01, 42123, Reggio Emilia, Italy being represented by their Power of Attorney Holder Ms.Chitra Krishnan, working as Social Worker at Bala Mandir Kamaraj Trust at No.8, G.N.Chetty Road, T.Nagar, Chennai-600 017. The Power of Attorney holder Ms.Chitra Krishnan is working as social worker at Bala Mandir Kamaraj Trust which is a Child Welfare Organisation, having its registered office at No.8, G.N.Chetty Road, T.Nagar, Chennai-600 017;

(d) The minor child above named, born on 07.12.2016, was abandoned child and handed over to Bala Mandir on 07.06.2018 by Child Welfare Committee. The said child was transferred to Adoption Unit for further rehabilitation on 26.04.2019 and the child was declared as abandoned and free for adoption by the Child Welfare Committee, Chennai, by order dated 02.08.2019. At present, the child is about four years and two months old.

(e) The second petitioner is a citizen of Italy, holding Passport No.YB1060333 and the third petitioner is citizen of Italy holding Passport No.YB1719830. The date of birth of the second petitioner is 11.11.1974 and the date of the third petitioner is 10.10.1972. They got married on 07.09.2008. The petitioners 2 and 3 do not have a biological/adopted child.

They wanted to adopt a child from India. It is their averment in the petition

that they could offer a child, including their home, love and ability to



financially care for a child. The second petitioner works at Administrator Partner at Dinamica Doganalisti Sri, earning a gross annual salary of 229.416.00 Euros, which is equivalent to Indian Currency about Rs.201,85,18,970/- as on 14.02.2021 taken from currency exchange rates in Internet. The third petitioner is presently not employed and she is a home-maker. The financial position of the couple (second and third petitioners) is good.

(f) The petitioners 2 and 3 registered for adoption on-line with CARA through AFAA, Italy (Authorised Foreign Adoption Agency) International Adoption Agency, Italy. Home Study Report was conducted and report prepared by AFAA. Through on-line system of the matching as per the new CARA Guidelines, 2015, child Sharbudin was matched on-line and the second and third petitioners accepted to adopt child Sharbudin on 03.12.2020 by signing the declaration of willingness to adopt the abovenamed minor child. The second and third petitioners have signed the Child Study Report and Medical Examination Report pertaining the above named minor child and decided to adopt the above named minor child. All the relevant papers pertaining to the second and third petitioners, viz., Income Certificate, Marriage Certificate to adopt are filed along with the petition. The second and third petitioners are presently residing at Via 1.



(g) The Government of India Central Adoption Resource Authority (CARA) has issued No Objection Certificate for giving in adoption the minor male child above named to the second and third petitioners, namely Mr.Broccardi Stefano and Mrs.Artoni Cristiana, Wife of Mr.Broccardi Stefano, both residing at Via 1. Sannazzaro, 55/01, 42123, Reggio Emilia, Italy.

(h) The Power of Attorney Holder of the second and third petitioners further state that, no guardian of person or the property of the minor male child above named had been appointed by any Court and the minor male child above named had no property.

(i) The prospective adoptive parents have undertaken through International Adoption Agency, Italy, Authorized Foreign Adoption Agency/Central Authority concerned that they will allow the authorized social worker/functionary of the Authorized Foreign Adoption Agency/Central Authority/concerned Government Department, to visit their home for undertaking post-adoption follow-up to ascertain the progress and the well-being of the child in the adoptive family, as envisaged under Section 59(11) of the Juvenile Justice Act.

(j) The second and third petitioners have undertaken to up-bring the above named minor child Sharbudin as their own child and to accord the same status/rights/privileges to the child above named at par with the



natural born child.

WEB COPY

(k) It is the case of the petitioners that the conditions laid down in Section 61(1) of the Juvenile Justice Act, have been complied with in this adoption case. The givers and takers have no interest directly or indirectly adverse to that of the minor child.

(l) The above named minor child is residing within the legal jurisdiction of this Court and hence, this Court has jurisdiction to pass Adoption Order as per the provisions of Sections 2(23), 59(7) and 61 of the Juvenile Justice Act.

(m) CARA has issued No objection Certificate for the proposed adoption as provided in Regulation 16 of the Adoption Regulations.

(n) The second and third petitioners state that the adopted child shall become their lawful child with all rights, privileges and responsibilities that are attached to a biological child.

(o) The second and third petitioners have not filed any other application for the adoption of the above named minor child Sharbudin in any other Court of Law.

(p) Hence, the petitioners 2 and 3 seeks permission to adopt the minor child above named and according to them, they are the fit and proper persons to adopt the minor child Sharbudin and if such permission is

granted, the same would be in the interest and welfare of minor child and



the second and third petitioners may be also permitted to take the minor child outside India to Italy and necessary travel documents have to be obtained for taking the minor male child outside India. Hence, the petitioners 2 and 3 seek leave to take custody of male minor child Sharbudin whose date of birth is 07.12.2016 and take the child outside India for being adopted, fostered, brought up and maintained by the petitioners 2 and 3.

Therefore, for the above reasons, the petitioners have filed the present petition for the relief stated supra.

3. The Power of Attorney of the petitioners, who is a Social Worker in Bala Mandir Kamaraj Trust, was examined as P.W.1. Exs.P-1 to P-18 were marked.

4. Ex.P-1 is the photocopy of the Power of Attorney, dated 19.08.2015; Ex.P-2 is the photocopy of the Special Power of Attorney, dated 03.12.2020; Ex.P-3 is the photocopy of the Certificate as Recognition, dated 29.04.2019; Ex.P-4 is the photocopy of the order dated 07.06.2018 passed by Child Welfare Committee, Chennai; Ex.P-5 is the photocopy of the proceedings of the Child Welfare Committee, Chennai, dated 26.04.2019 sent by the Social Defence Department to the Child Welfare Committee, Chennai; Ex.P-6 is the photocopy of the Certificate dated 02.08.2019 given by the Child Welfare Committee, Chennai; Ex.P-7 is the original Child Study Report, dated 03.12.2020; Ex.P-8 is the original



Medical Examination Report of the child, dated 03.12.2020; Ex.P-9 is the photocopy of the No Objection Certificate, dated 09.12.2020 issued by the Central Adoption Resource Authority (CARA); Ex.P-10 is the original Home Study Report, dated 19.01.2018; Ex.P-11 is the notarized copy of the Certificate of Marriage, dated 21.11.2017; Ex.P-12 (series 2 numbers) are the original Certificates of Medical Fitness of the petitioners 2 and 3; Ex.P-13 is the original Employment and proof of income certificates in respect of the second petitioner; Ex.P-14 is the original Police Clearance Certificate, dated 29.10.2020; Ex.P-15 is the original Letter of Acceptance, dated 03.12.2020; Ex.P-16 (series 2 numbers) are the notarized copies of the passports of the petitioners 2 and 3; Ex.P-17 is the original Letter of Undertaking given by the Sponsoring Agency dated 05.11.2020, and Ex.P-18 is the photograph of the minor child Sharbudin along with Compact Disc. (CD).

5. The evidence of P.W.1 and Exs.P-1 to P-18 show that the petitioners 2 and 3 are entitled to get the relief as prayed for in this petition. Hence, the Original Petition is ordered as prayed for, subject to the following conditions:

(i) The petitioners 2 and 3 are hereby appointed as natural guardians/parents of the minor male child Sharbudin, whose date of birth is 07.12.2016, and they are hereby declared as the adoptive parents for the



person of the said minor child and the petitioners 2 and 3 are permitted to take the said minor child to the country of their residence (Italy) for upbringing the child as their own child with the legal status of a biological child with all the rights of succession and inheritance.

(ii) The Birth Certificate issuing Authority is directed to issue Birth Certificate for the minor child Sharbudin within five working days from the date of application thereof, as per the provisions of sub-regulation (5) of Regulation 18 and Regulation 36 of the CARA Regulations.

(iii) The Regional Passport Office concerned is directed to issue Passport for the said child Sharbudin within ten days from the date of application thereof, as per sub-regulation (4) of Regulations 18 and 38 of the CARA Regulations.

(iv) The petitioners 2 and 3 are permitted to take the custody of the minor male child Sharbudin for being adopted, fostered, brought up and maintained by them in Italy.

(v) The petitioners 2 and 3 are also permitted to take the child out of India for being brought up by them in Italy.

(vi) The petitioners 2 and 3 shall submit periodical reports regarding the welfare of the child at the intervals of three months in the first two years, and at the intervals of six months during the succeeding three years to the



(vii) The minor child Sharbudin shall be adopted by the petitioners 2 and 3 in accordance with the local laws in Italy, within a period of one year from the date of this order.

Sd./-V.P.N.J.
02.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.