

O.P.No.483 of 2021

V.PARTHIBAN, J.

This Original Petition has been filed by the first petitioner under Section 56(2) of the Juvenile Justice (Care and Protection of Children) Act 2015, read with Regulations 52(4) and 55(2) of the Adoption Regulations praying that the minor child may please be given in adoption to the first petitioner and be declared as the mother of the person of the minor for all purposes allowed by law.

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

(a) The minor viz., Sasider was born on 05.04.2004 to the second and third petitioners viz., Mr.R.Thangaraj and Mrs.T.Sridevi. The first petitioner is a spinster and the parents of the first petitioner predeceased her. The first petitioner is the paternal aunt of the biological mother and the sister's daughter of the biological mother's father. The Natural parents of the minor child have given their consent to give the child in adoption to the first petitioner.

(b) The natural parents have no source of income to educate the minor child and to provide food, clothes and shelter to him. Therefore, the first petitioner has decided and wanted to adopt the minor child, so that, she can give better future to the minor child.

(c) The first petitioner is working as Pointsman-A in the Southern Railway and drawing a monthly income of Rs.34,151/-.

(d) The first petitioner believes that she has much to offer a child, including her home, love and ability to financially care for a child, and the financial position of the first petitioner is good.

(e) The biological parents of the child, have given their consent under Schedule XIX and consent to the proposed adoption by way of declaration, and the 1st petitioner has filed her declaration of willingness to adopt the child.

(f) The proposed adoption of the child from the biological parents would be in the paramount welfare of the child and the first petitioner would

treat the child as her own biological child with all rights and responsibilities. Neither the parties have given or agreed to give, nor have the natural parents or guardians of the child received or agreed to receive any payment or reward in consideration of the adoption.

(g) No guardian of person or the property of the said minor has been appointed by any Court and that no application has been made any time to this Court or in any other Court with regard to the adoption of the said minor child. The minor child above named has no property.

(h) The conditions laid down in Section 61(1) of the Juvenile Justice Act have been complied with in this adoption case and the petitioner 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.The first petitioner examined herself as P.W.1. In her evidence, she reiterated the averments stated in the petition. While deposing, she marked 12 documents as Exs.P1 to P12. Ex.P1 is the photocopy of the payslip of the first petitioner for the month of December 2019. Ex.P2 is the online acknowledgement letter for the application submitted to CARA. Ex.P3 is the computer generated birth certificate dated 02.01.2020. Ex.P4 is the photocopy of my Aadhaar card bearing No.918188562084. Ex.P5 is the photocopy of the Aadhaar card of the 2nd petitioner Thangaraj. Ex.P6 is the photocopy of the Aadhaar card of the 3rd petitioner, Sri Devi bearing No.743819934425. Ex.P7 is the photocopy of the Aadhar card of the minor Sasider bearing No.284012867810. Ex.P8 is the consent affidavit given by the petitioner, R.Thangaraj, who is biological father of the minor Sasider. Ex.P9 is the consent affidavit given by the 3rd petitioner, T.Sri Devi, who is biological mother of the minor Sasider. Ex.P10 is the consent affidavit given by me. Ex.P11 is the consent affidavit given by minor Sasider. Ex.P12 is my declaration of willingness.

5. The 2nd petitioner (biological father) examined himself as P.W.2 and submitted his consent affidavit which is marked as Ex.P8. The 3rd petitioner (biological mother father) examined herself as P.W.3 and submitted her consent affidavit which is marked as Ex.P9. The minor child examined himself as P.W.4 and submitted his consent affidavit which is marked as Ex.P11.

6.The materials placed before this Court would show that the 1st petitioner has decided to adopt the minor child, namely, Sasider, born to the 2nd and 3rd petitioner, who are related to each other, and the biological parents also has given their consent and willingness to give the minor child in adoption to the 1st petitioner, as the child will get good care and protection. Therefore, this Court is satisfied that it will be most beneficial to the minor child, if the 1st petitioner is appointed as the adoptive mother.

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

- i. The 1st petitioner is hereby appointed as adoptive mother of the minor child Sasider, whose photograph is duly attested and annexed hereto, as per Section 56(2) of the Juvenile Justice Act (Act 2 of 2016).
- ii. The minor child Sasider is entitled to the legal status of a biological child with all the rights of succession and inheritance.
- iii. The 1st petitioner is permitted to take physical custody of the minor Sasider for being brought up and maintained by her.
- iv. The 1st petitioner 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 Sasider may be issued with the 1st petitioner as parent along with the name of the child within five working days from the date of

application, as per the provisions of the Regulation 36 of the Regulations of CARA, by the concerned authorities.

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

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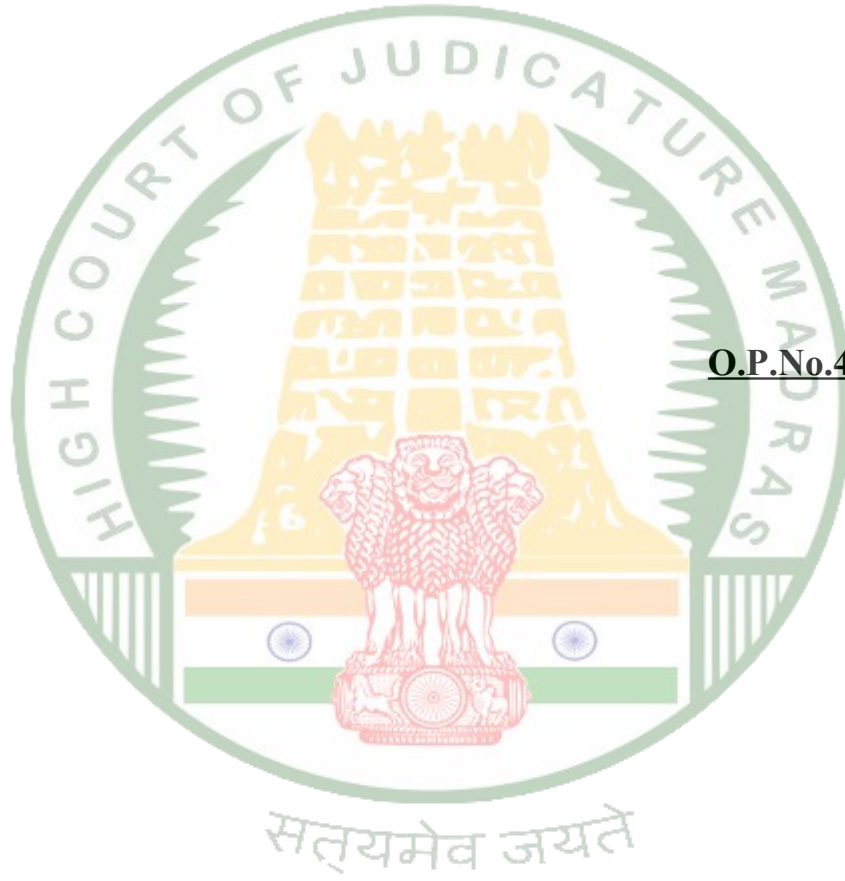


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