

O.P.No.315 of 2020**R.PONGIAPPAN, J.**

This petition has been filed under Section 56(1) of the Juvenile Justice Act (Care and Protection of Children) 2015 read with CARA Regulations 12(2) and Clause 17 of the Letters Patent

(a) to appoint the second and third petitioners are adoptive parents of minor Advaith now known as S.Nivi Nanthan

(b) to direct the Birth Certificate Issuing Authority to issue Birth Certificate for the said child 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.

(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 the regulations 18 and regulation 38 of CARA Regulations.

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

(a) Varshini Illam Trust is a recognized Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act of 2015 by the State Government of Tamil Nadu for rehabilitating orphan, abandoned and surrendered children through

adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations of CARA. The incountry license granted to the first petitioner's institution by the Govt. of Tamilnadu has been renewed on 23.12.2016 and the period of validity of the certificate is for five years from 23.12.2016 to 22.12.2021.

(b) The Male child S.Nivi Nanthan originally named as Advait, born on 19.05.2019. The Child was declared legally free for adoption by the Child Welfare Committee, Villupuram by its Order dated 29.08.2019.

(c) The second and third petitioners got married on 15.09.2005. The second petitioner is working as driver and gets an annual income of Rs.3,02,466/-. The third petitioner is a Housewife. They have been found eligible and suitable to adopt the above child as per the criteria mentioned in Section 57 of the Juvenile Justice Act and Regulation 5 of the Adoption Regulations of CARA, based upon their Home Study Report conducted on 12.08.2017 by Life Line Trust Salem. They have been found suitable by the Adoption Committee to adopt the minor S.Nivi Nanthan. The financial position of the petitioners is good. Hence, they have sufficient means to take

guardianship and adoption of the minor child.

3. Heard the learned counsel appearing for the petitioners.

4.P.W.1 and P.W.2 were examined on the side of the petitioner. The second petitioner was examined as P.W.1 and stated that third petitioner is his wife and deposed on behalf of his wife also. He was filing 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, Ex.P1 to Ex.P15 documents were marked. Ex.P1 is the original letter dated 13.06.2019 issued by the Child Welfare Committee, Villupuram District, Tamilnadu. Ex.P2 is the original Certificate of Child Welfare committee, Villupuram dated 29.08.2019. Ex.P.3 is a copy of Registration Acknowledgement Letter dated 02.07.2017. Ex.P.4 series is the original Home study Report along with original Assessment Report of the Social Worker. Ex.P5 is the original Child Study Report dated 30.08.2019. Ex.P6 is the original medical Examination report of the child. Ex.P7 is the original Pre-Adoption Foster Care Undertaking given by the petitioners 2 and 3. Ex.P.8 is the photocopy of the Extract of the Marriage Certificate dated 18.10.2019 in respect of the marriage took place between the petitioners 2 and 3. Ex.P9 (Series 2 Nos) are the

original certificates of physical fitness dated 18.10.2019 in respect of the petitioners 2 and 3. Ex.P10 to Ex.P13 are the Income and address proofs of the second and third petitioners. Ex.P14 is the Declaration of Willingness given by the petitioners 2 and 3. Ex.P15 is the photograph of the child S.Nivi Nanthan along with compact disc.

5. Mr.John Alex was examined as P.W.2, in his evidence, he has stated that he is the Trustee of the 1st petitioner's trust herein. 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. While deposing, P.W.2 marked 2 documents as Ex.P.16 and Ex.P17. Ex.P16 is the photocopy of the Trust Deed 09.04.2014 in respect of the 1st petitioner trust. Ex.P17 is the affidavit filed by him, in his capacity as Trustee of the 1st petitioner trust.

6. The first petitioner has given evidence to the effect that adoption of the child concerned in this case by the second and third 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 her welfare definitely deserves the second and third 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 second and third petitioners are appointed as the adoptive parents.

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

(i) The second and third petitioners are hereby appointed as adoptive parents of the Male minor child S.Nivi Nanthan, whose photograph is duly attested and annexed hereto.

(ii) The minor child S.Nivi Nanthan is entitled to the legal status of a biological child with all the rights of succession and inheritance.

(iii) The second and third petitioners shall submit periodical reports regarding the welfare of the minor child

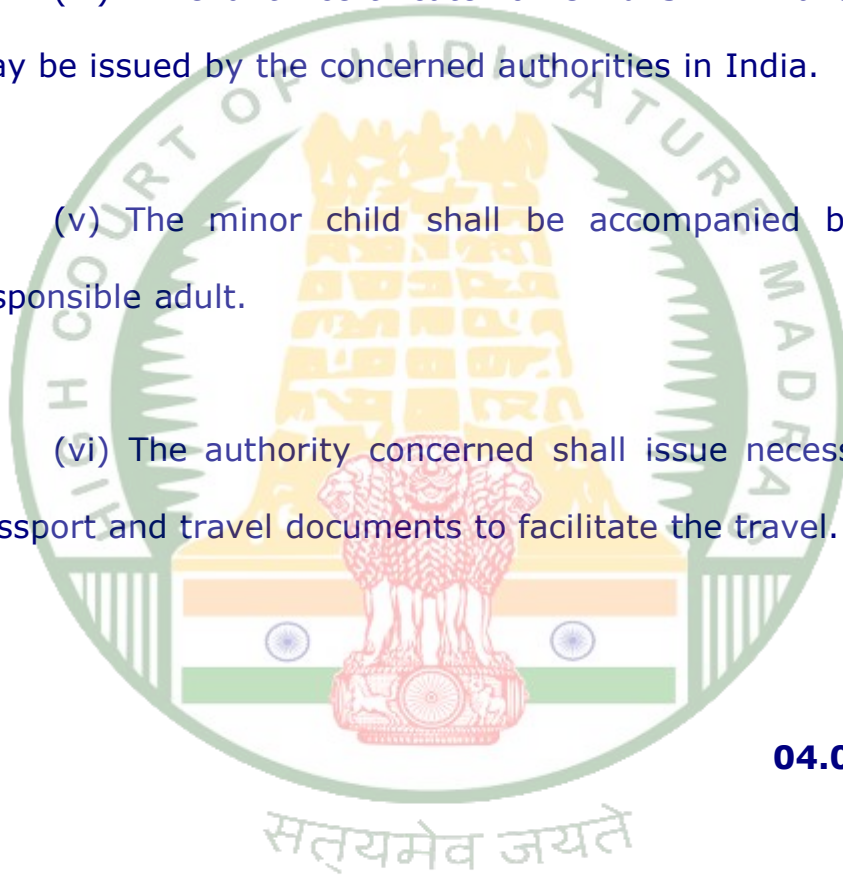
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at the intervals of three months in the first two years and at the intervals of six months for the succeeding three years to the Court.

(iv) The birth certificate for Child S.Nivi Nanthan may be issued by the concerned authorities in India.

(v) The minor child shall be accompanied by a responsible adult.

(vi) The authority concerned shall issue necessary passport and travel documents to facilitate the travel.



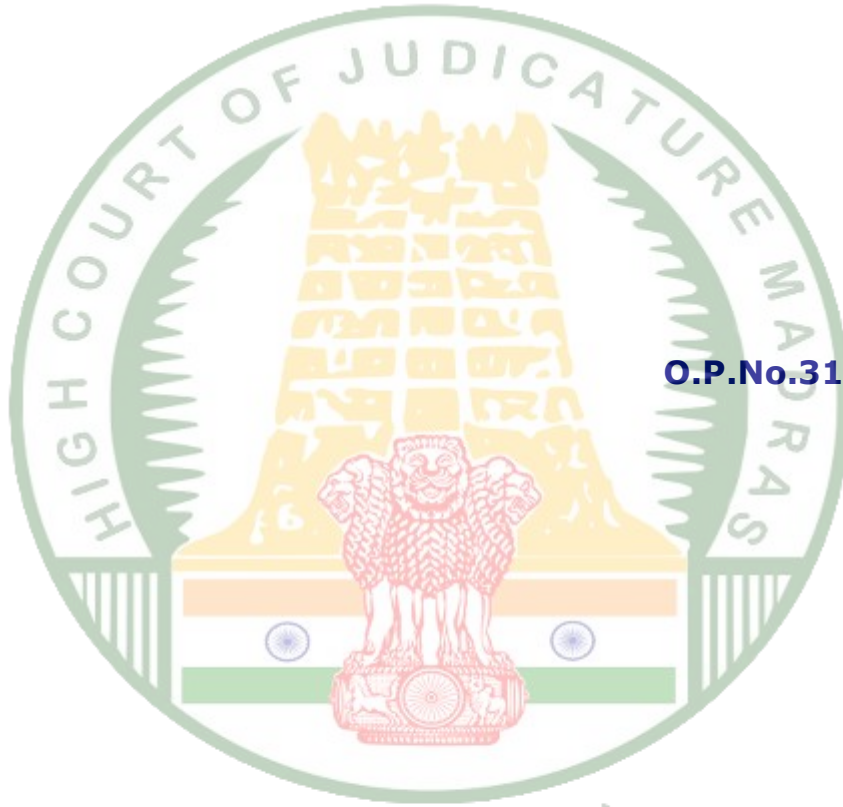
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