

O.P.No.305 of 2021

V.PARTHIBAN, J.

This Original Petition has been filed by the petitioners under Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act 2 of 2016, read with Clause 17 of the Letters Patent to appoint the second petitioner as a parent of the person of Minor male child, namely, Joseph, originally named as Sairam, whose date of birth is 01.05.2020, and to declare the 2nd petitioner as a parent 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 in respect of the child.

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

(a) The 1st petitioner is a recognised Specialised Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015, by the Commissionerate of Social Defence under Proc.No.14929/D2/2019 dated 18.12.2019, for rehabilitating orphans, abandoned and surrendered children through adoption. The said recognition is valid for five years from the date of issue. The said institution is now

functioning at St.Thomas Mount, Chennai 16, within the legal jurisdiction of this Court.

(b) The minor male child Joseph, originally named as Sairam was born on 01.05.2020 and was found abandoned and was handed over to the first petitioner Institution before the Child Welfare Committee, Tiruvallur. The said male minor child was declared as legally free for adoption by the Child Welfare Committee, Tiruvallur, by its order dated 05.03.2021. Hence, the child is free for adoption.

(c) The 2nd petitioner resided at No.2/245, Matha Kovil Street, Thennergulam, Tindivanam Taluk, Villupuram 604 102. She is a Tailor and her annual gross income is Rs.2,04,000/-. She believe 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 second petitioner is good.

(d) The 2nd petitioner registered for adoption online through Child Adoption Resource Information and Guidance System and found the above said minor child Joseph, originally named as Sairam and She accepted to adopt the minor child by signing the Child Study and Medical Reports on 20.03.2021. The child was shown to the second petitioner and the child was

given in Pre-Adoption Foster Care on 29.03.2021 to the 2nd petitioner, and from that day onwards, the second petitioner has been bringing up the said child as her own, bestowing parental affection. The 2nd petitioner renamed the child as “Joseph”.

(e) It is averred by the petitioners in the petition that no guardian of person or property of the said minor male 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. The minor male 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 petitioner undertake to do the necessary submissions to CARA as post adoption procedure and complete all legal formalities.

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

4.In this regard, the 1st petitioner examined herself as P.W.1. She reiterated the averments stated in the petition. While deposing, she marked 8 documents as Exs.P1 to P8. Ex.P1 is the Original Home Study Report dated 09.01.2021. Ex.P2 are the original child study and medical reports dated 20.03.2021. Ex.P3 is the photocopy of the Child Welfare Committee order dated 05.03.2021. Ex.P4 is the photograph of the minor Joseph. Ex.P5 is the photocopy of the decision of Adoption Committee dated 20.03.2021. Ex.P6 is the original affidavit of the Chief Functionary of Specialized Adoption Agency dated 22.03.2021. Ex.P7 is the photocopy of the Pre-Adoption Foster Care Affidavit dated 29.03.2021. Ex.P8 is the photocopy of the certificate of registration under Juvenile Justice Act dated 18.12.2019.

5.The second petitioner examined herself as P.W.2. While deposing, she marked 8 documents as Exs.P9 to P15. Ex.P9 is the School Certificate of the second petitioner showing her date of birth as 07.01.1984. Ex.P10 is the original Health Certificate of the second petitioner dated 22.03.2021. Ex.P11 is the computer generated income certificate of the second petitioner

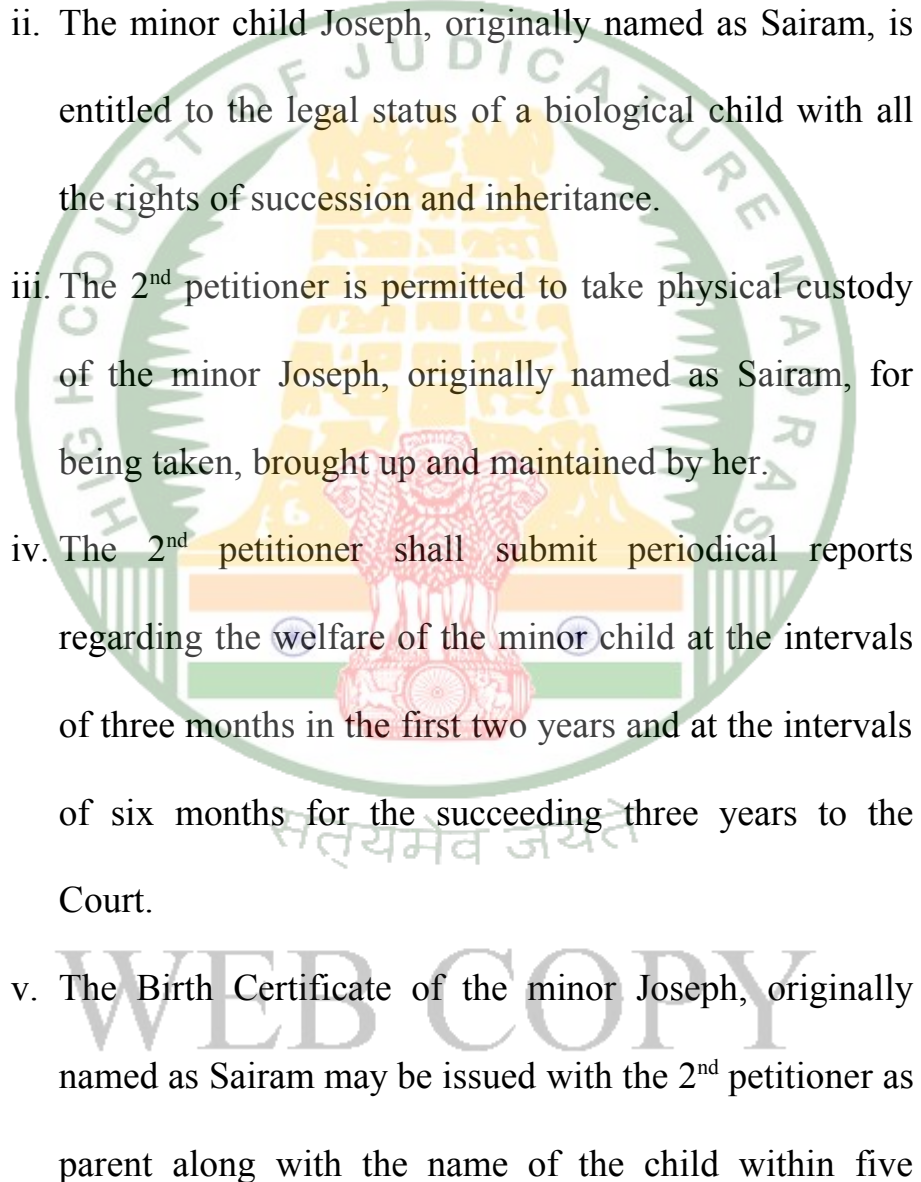
dated 19.11.2020. Ex.P12 are the original recommendation letters dated 19.03.2021 and 23.03.2021. Ex.P13 is the photocopy of the Aadhaar Card of the 2nd petitioner. Ex.P14 is the photocopy of the PAN Card of the 2nd petitioner. Ex.P15 is the consent and willingness of the 2nd petitioner dated 29.03.2021.

6.The materials placed before this Court would show that the 2nd petitioner, who do not have a biological child, have decided to adopt the minor child, namely, Joseph, originally named as Sairam, whose date of birth is 01.05.2020, who was an abandoned child, and his welfare definitely deserves the 2nd petitioner being appointed as adoptive parent and being given to her as her adoptive child. Therefore, this Court is satisfied that it will be most beneficial to the minor child, if the 2nd petitioner is appointed as his adoptive parent.

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

- i. The 2nd petitioner is hereby appointed as adoptive parent

of the minor male child Joseph, originally named as Sairam, whose photograph is duly attested and annexed hereto, as per Section 56(1) of the Juvenile Justice Act (Act 2 of 2016).

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- ii. The minor child Joseph, originally named as Sairam, is entitled to the legal status of a biological child with all the rights of succession and inheritance.
- iii. The 2nd petitioner is permitted to take physical custody of the minor Joseph, originally named as Sairam, for being taken, brought up and maintained by her.
- iv. The 2nd 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 Joseph, originally named as Sairam may be issued with the 2nd petitioner as parent 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.

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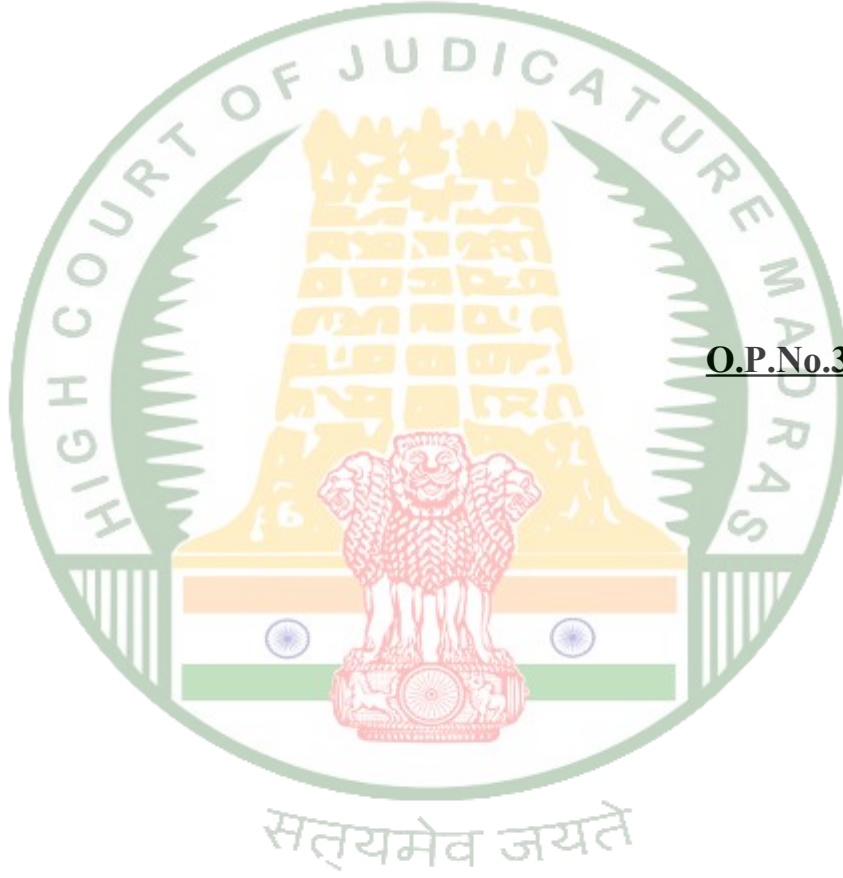
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