

O.P.No.430 of 2021

V.PARTHIBAN,J.

This petition is filed under Section 56(4) of the Juvenile Justice (Care & Protection of Children) 2015 (2 of 2016) r/w Regulations 12(2), to appoint the petitioners 2 and 3 as adoptive parents of the person of the minor male child Lenin, whose date of birth is 24.10.2019.

2. The case of the petitioners is as follows:

(i) The 1st petitioner, Varshini Illam Trust, is a recognised Specialised Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act, 2015, for rehabilitating orphans, abandoned and surrendered children through adoption. The in-country licence granted to the 1st petitioner Institution by the Government of Tamil Nadu has been renewed on 23.12.2016 and the period of validity of the certificate is five years from 23.12.2016 to 22.12.2021. The said institution is now functioning at No.108, AH Block, 4th Street, Shanthi Colony, Anna Nagar, Chennai – 600 040, within the legal jurisdiction of this Court.

(ii) The minor male child Lenin, born on 24.10.2019, was declared as an abandoned child and free for adoption by the Child Welfare Committee, Chengalpattu, as per its order dated 12.08.2020. The minor male child Lenin was under the care and custody of Varshini Illam Trust, Chennai. The Central Adoption Resource Authority (CARA), New Delhi, has issued no objection certificate. The child is about 1 year and 5 months old. The second and third petitioners residing in No.79, Ackley Avenue, Johnson City, New York 13790, USA, being represented by their Power of Attorney Holder Mr.John Alex who is a Trustee at Varshini Illam, Chennai. The second and third petitioners are the citizens of USA. They got married on 25.07.2015 and they are having two biological children viz., Liam Byler and Adaya Byler. They wanted to adopt a child from India. They are having a Home Study Report conducted by Authorized Foreign Adoption Agency (AFAA), USA. The second and third petitioners are having sufficient income to maintain the child. They believe that they have much to offer a child, including their home, love and ability to financially care for a child, and the financial position of the couple is good. The Government of India has also issued no objection certificate.

(iii) 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.

(iv) The conditions laid down in Section 61(1) of the Juvenile Justice Act have been complied with in this adoption case and the 2nd and 3rd petitioners 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. Mr. John Alex, the Trustee of the 1st petitioner Trust and also the Power of Attorney of the second and third petitioners, examined himself as P.W.1 and Exs.P-1 to P-19 were marked.

5. Ex.P1 is the photocopy of the Trust Deed dated 09.04.2014 (Ex.P1 Trust Deed belonged to the Trust. Since the original of the Trust Deed is necessary for daily affairs, the photocopy of the same is marked). Ex.P2 is the photocopy of the Certificate of Recognition by State Government dated 23.12.2016 (Marked after comparing and verifying with the original). Ex.P3 is the photocopy of the Transfer Letter dated 04.08.2020 (Marked after comparing and verifying with the original). Ex.P4 is the photocopy of the General Power of Attorney dated 15.01.2021 (Marked after comparing and verifying with the original). Ex.P5 is the photocopy of the Custody of the Child dated 24.01.2020 (Marked after comparing and verifying with the original). Ex.P6 is the photocopy of the CWC Clearance dated 12.08.2020 (Marked after comparing and verifying with the original). Ex.P7 is the original Child Study Report dated 14.01.2021. Ex.P8 is the original Medical Examination Report dated 14.01.2021. Ex.P9 is the photocopy of the NOC from CARA dated 12.03.2021 (Marked after comparing and verifying with the original). Ex.P10 is the original Home Study Report dated 08.10.2020. Ex.P11 is the notarised copy of the certificate of Marriage took place on

25.07.2015. Ex.P12 is the original Certificate of Medical fitness of the 2nd and 3rd petitioners. Ex.P13 is the original proof of income of the 2nd petitioner. Ex.P14 is the original Adoptive parents Police clearance dated 22.09.2020. Ex.P15 is the original Declaration of Willingness of adoptive parents dated 15.01.2021. Ex.P16 is the notarised copy of the Passport of Adoptive parents dated 11.12.2020. Ex.P17 is the photograph of the adoptive family. Ex.P18 is the original undertaking by sponsoring agency dated 12.01.2021. Ex.P19 is the photograph of the minor Lenin along with compact disc.

6. The evidence of P.W.1, Exs.P-1 to P-19 shows that the second and third petitioners are entitled to get the custody of the minor male child Lenin. Hence, the petition is ordered, subject to the following conditions:

(i) The second and third petitioners are hereby appointed as adoptive parents of the minor male child Lenin, whose date of birth is 24.10.2019, 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.

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

(iii) The second and third petitioners are permitted to take the physical custody of the minor male child Lenin for being adopted, fostered, brought up and maintained by them in USA.

(iv) The second and third petitioners are also permitted to take the child out of India for being brought up by them in USA.

(v) The second and third petitioners 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.

(vi) The child shall be adopted by the second and third petitioners in accordance with the local laws within a period of two years from the date of this order.

(vii) The said child shall be accompanied by a responsible adult.

(viii) Birth Certificate Issuing Authority is directed to issue birth certificate for child Lenin within five working days from the date of application, as per the provisions of Sub-regulations(5) of the regulations 18

and regulation 36 of CARA Regulations

(ix) The Regional Passport Office concerned is directed to issue necessary 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 and travel documents to facilitate the travel.

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