

O.P.No.338 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 petitioners 2 and 3 as parents of the person of Minor male child, namely, Duvaragesh, originally named as Honest Raj, whose date of birth is 25.10.2019, and to declare the 2nd and 3rd petitioners as parents 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 Duvaragesh, originally named as Honest Raj was born on 25.10.2019 and was found abandoned and was handed over to the first petitioner Institution before the Child Welfare Committee, Chengalpattu. The said male minor child was declared as legally free for adoption by the Child Welfare Committee, Chengalpattu, by its order dated 29.01.2021. Hence, the child is free for adoption.

(c) The 2nd and 3rd petitioners got married on 23.11.2012 and they are now residing at No.5/63 L, Kamaraj Nagar, 6th Street, Ariyalur, Ariyalur (North), Rajaji Nagar, Ariyalur, Tamil Nadu 621 713. They do not have a biological child and they wanted to adopt a child. The 2nd petitioner is in Government Service working as Computer Assistant in Ariyalur District and his monthly salary is Rs.14,000/-. His wife, i.e., the 3rd petitioner, is working as a Data Entry Operator in Government Hospital, Ariyalur and her monthly salary is Rs.10,350/-. 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.

(d) The 2nd and 3rd petitioners registered for adoption online through

Child Adoption Resource Information and Guidance System and found the above said minor child Duvaragesh, originally named as Honest Raj and they accepted to adopt the minor child by signing the Child Study and Medical Reports on 31.03.2021. The child was shown to the couple and the child was given in Pre-Adoption Foster Care on 08.04.2021 to the 2nd and 3rd petitioners, and from that day onwards, the said couple has been bringing up the said child as their own, bestowing parental affection. The 2nd and 3rd petitioners renamed the child as “Duvaragesh”.

(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 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.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 14.06.2018. Ex.P2 are the original child study and medical reports dated 31.03.2021. Ex.P3 is the photocopy of the Child Welfare Committee order dated 29.01.2021. Ex.P4 is the photograph of the minor Duvaragesh. Ex.P5 is the photocopy of the decision of Adoption Committee dated 31.03.2021. Ex.P6 is the original affidavit of the Chief Functionary of Specialized Adoption Agency dated 07.04.2021. Ex.P7 is the photocopy of the Pre-Adoption Foster Care Affidavit dated 08.04.2021. Ex.P8 is the photocopy of the certificate of registration under Juvenile Justice Act dated 18.12.2019.

5.The second petitioner examined himself as P.W.2. While deposing, he marked 8 documents as Exs.P9 to P16. Ex.P9 are the photocopies of the School Certificates of the second and third petitioners showing their date of birth as 12.07.1977 and 20.06.1987. Ex.P10 is the original marriage affidavit dated 01.04.2021. Ex.P11 are the original health certificates of the 2nd and 3rd petitioners dated 04.04.2021. Ex.P12 are the original salary certificates for the month of March 2020-21. Ex.P13 are the original recommendation letters dated 01.04.2021. Ex.P14 are the photocopies of the Aadhaar Cards of the 2nd and 3rd petitioners. Ex.P15 are the photocopies of the PAN Cards of the 2nd and 3rd petitioners. Ex.P16 is the consent and willingness of the 2nd and 3rd petitioners dated 08.04.2021.

6.The materials placed before this Court would show that the 2nd and 3rd petitioners, who do not have a biological child, have decided to adopt the minor child, namely, Duvaragesh, originally named as Honest Raj, whose date of birth is 25.10.2019, who was an abandoned child, and his welfare definitely deserves the 2nd and 3rd petitioners being appointed as adoptive parents and being given to them as their adoptive child. Therefore, this

Court is satisfied that it will be most beneficial to the minor child, if the 2nd and 3rd petitioners are appointed as his adoptive parents.

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

- i. The 2nd and 3rd petitioners are hereby appointed as adoptive parents of the minor male child Duvaragesh, originally named as Honest Raj, whose photograph is duly attested and annexed hereto, as per Section 56(1) of the Juvenile Justice Act (Act 2 of 2016).
- ii. The minor child Duvaragesh, originally named as Honest Raj, is entitled to the legal status of a biological child with all the rights of succession and inheritance.
- iii. The 2nd and 3rd petitioners are permitted to take physical custody of the minor Duvaragesh, originally named as Honest Raj, for being taken, brought up and maintained by them.
- iv. The 2nd and 3rd petitioners 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 Duvaragesh, originally named as Honest Raj may be issued with the 2nd and 3rd petitioners as parents 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.

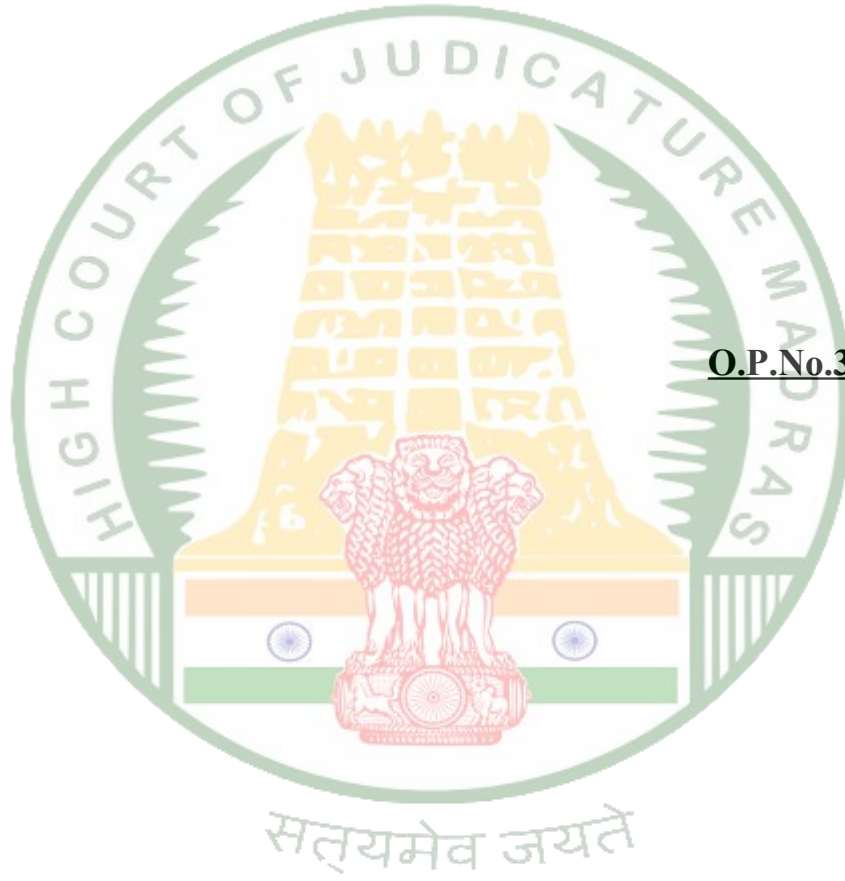
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