



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 27th DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.339 of 2021

In the matter of the Juvenile Justice  
Act 2 of 2016

and

In the matter of the minor Iniyan  
born on 31.10.2020 Male, Indian,  
abandoned.

1. Holy Apostles Convent  
by its Secretary, Sr.Thresiamma M.  
St.Thomas Mount  
Chennai 600 016.

2. Mr.Saravana Kumar Chinna Kolandai  
S/o.M.Chnnakolandai

3. Mrs.Nirmala Chinnappan  
W/o. Saravana Kumar Chinnakolandai  
Both residinag at # RGA 602 Purvaa Riviera,  
Munnekolala (Vi),  
Near Marathahalli Bridge,  
Marathahalli,  
Bangalore North,  
Bangaore Marathahalli Colony,  
Karnataka 560 037.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to

a) that the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners who are the prospective adoptive  
parent may please be given the minor Iniyan in adoption and be declared as  
the parents of the said minor, for all purposes allowed by the law.

b) That the Birth Certificate Issuing Authority, Cantonment Board,



St.Thomas Mount cum Pallavaram, Chennai 16 may be directed to issue Birth Certificate for the said child within five working days from the date of application, as per the provisions of Regulation 36 of the Adoption Regulations of CARA.

This original petition coming on this day before this court for hearing in the presence of M/s.M.B.Dominique, advocate for the petitioners herein and upon reading the petition together with the Declaration of Willingness of Mr.Saravana Kumar Chinna Kolandai, and Mrs.Nirmala Chinnappan, the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners herein, accepting to be the adoptive parents of the minor above named, and the other exhibits therein referred to and upon perusing the evidence adduced therein, it is ordered as follows:-

That 1. Mr.Saravana Kumar Chinna Kolandai 2. Mrs.Nirmala Chinnappan, the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners herein, both are residing at # RGA 602 Purvaa Riviera, Munnekolala (Vi), Near Marathahalli Bridge, Marathahalli, Bangalore North, Bangaore Marathahalli Colony, Karnataka 560 037 be and are hereby appointed as adoptive parents of the person of the minor male child Iniyan, originally known as J.Samuel, whose photograph is duly attested and annexed hereto, as per section 56(1) of the Juvenile Justice Act 2 of 2016.

2. That the minor male child Iniyan, shall be entitled to the legal status of a biological child with all the rights of succession and inheritance.

3. That the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners herein be and are hereby permitted to take physical custody of the minor Iniyan originally know as J.Samuel,



for being brought up and maintained by them.

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4. That the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners herein 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.

5. That the Birth Certificate for minor Iniyan originally known as J.Samuel shall be issued with the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners as parents 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 Adoption Regulations of CARA, by the concerned authorities.

6. That the minor child shall be accompanied by a responsible adult.

(Annexure)

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE  
27th DAY OF AUGUST 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the       day of       2021.

COURT OFFICER(O.S.)



KY-21.09.2021

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O.P. No.339 of 2021

ORDER :-

Dated: 27.08.2021

THE HON'BLE MR.JUSTICE  
V.PARTHIBAN

FOR APPROVAL: 21.09.2021

APPROVED ON: 22.09.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 27th DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.339 of 2021

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Original Petition praying that this Hon'ble Court be pleased to

a) that the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners who are the prospective adoptive

parent may please be given the minor Iniyan in adoption and be declared as

the parents of the said minor, for all purposes allowed by the law.



b) That the Birth Certificate Issuing Authority, Cantonment Board, St.Thomas Mount cum Pallavaram, Chennai 16 may be directed to issue Birth Certificate for the said child within five working days from the date of application, as per the provisions of Regulation 36 of the Adoption Regulations of CARA.

This original petition coming on this day before this court for hearing, the Court made the following order:-

This Original Petition has been filed by the petitioners under Section 56(1) of the Juvenile Justice 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, Iniyan, originally named as J.Samuel, whose date of birth is 31.10.2020, and to declare the 2<sup>nd</sup> and 3<sup>rd</sup> 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 1<sup>st</sup> petitioner 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 said institution is now functioning at St.Thomas



Mount, Chennai-16, within the legal jurisdiction of this Court.

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(b) The minor male child Iniyan originally known as J.Samuel was born on 31.10.2020 and was found abandoned and was handed over to the 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 2<sup>nd</sup> and 3<sup>rd</sup> petitioners got married on 03.12.2008 and they are now residing at RGA 602 Purvaa Riviera, Munnekolala (Vi), Near Marathahalli Bridge, Marathahalli, Bangalore North, Bangalore Marathahalli Colony, Karnataka 560 037. They do not have a biological child and they wanted to adopt a child. The second petitioner is self employed as a Freelance Consultant in the Integrated Organic Farming and his annual income is Rs.4,32,228/-. The third petitioner is working in IBM as Software Engineer and her annual income is Rs.1,504,177.11/-. 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 2<sup>nd</sup> and 3<sup>rd</sup> petitioners registered for adoption online through



Child Adoption Resource Information and Guidance System. The 2<sup>nd</sup> and 3<sup>rd</sup> petitioners accepted to adopt the said minor child by signing the Child Study and Medical Reports on 07.04.2021. The child was shown to the couple and the child was given in Pre-Adoption Foster Care on 07.04.2021 to the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners, and from that day onwards, the said couple has been bringing up the said child as their own, bestowing parental affection. The 2<sup>nd</sup> and 3<sup>rd</sup> petitioners renamed the child as “Iniyan”.

(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 2<sup>nd</sup> and 3<sup>rd</sup> 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 29.03.2021. Ex.P2 are the original child study and medical reports dated 07.04.2021. Ex.P3 is the photocopy of the Child Welfare Committee order dated 29.01.2021. Ex.P4 is the photograph of the minor Iniyan. 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 05.04.2021. Ex.P7 is the photocopy of the Pre-Adoption Foster Care Affidavit dated 07.04.2021. 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 petitioner and third petitioner showing their date of birth as 03.11.1975 and 30.08.1979. Ex.P10 is the original marriage affidavit dated 12.12.2008. Ex.P11 are the original health certificates dated 01.04.2021 of the second and third petitioners. Ex.P12 are the original income returns of the second petitioner dated 06.04.2021 and salary certificates of the third petitioner dated 26.03.2021. Ex.P13 are the original recommendation letters dated 04.04.2021 and 29.03.2021. Ex.P14 are the photocopies of the Aadhaar cards of the second and third petitioners.

Ex.P15 are the photocopies of the pan cards of the second and third petitioners. Ex.P16 is the consent and willingness of the second and third



petitioners dated 07.04.2021.

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6.The materials placed before this Court would show that the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners, who do not have a biological child, have decided to adopt the minor child, namely, Iniyan originally known as J.Samuel, whose date of birth is 31.10.2020, who was an abandoned child, and his welfare definitely deserves the 2<sup>nd</sup> and 3<sup>rd</sup> 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 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are appointed as his adoptive parents.

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

- i. The 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are hereby appointed as adoptive parents of the minor male child Iniyan originally known as J.Samuel, 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 male child Iniyan, is entitled to the legal status of a biological child with all the rights of succession and inheritance.
- iii. The 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are permitted to take physical custody of the minor Iniyan originally known as



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J.Samuel, for being taken, brought up and maintained by them.

- iv. The 2<sup>nd</sup> and 3<sup>rd</sup> 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 Iniyan originally known as J.Samuel may be issued with the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners as parents along with the name of the child within five working days from the date of application, as per the provisions of Regulation 36 of the Adoption Regulations of CARA, by the concerned authorities.
- vi. The minor child shall be accompanied by a responsible adult.

Sd./-V.P.N.J  
27/08/2021

//Certified to be true copy//

Dated at Madras this the     day of     2021.

COURT OFFICER(O.S.)

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