

**O.P.No.446 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 and third petitioners as parents of the person of Minor male child, namely, Isaivelan, originally named as Thomas, whose date of birth is 13.01.2020, 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, 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 Isaivelan, originally named as Thomas was born on 13.01.2020 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 2<sup>nd</sup> and 3<sup>rd</sup> petitioners resided at 5/214-5, Kamaraj Nagar, Muthukrishnaberi, Kaluneerkulam, Tirunelveli-627 861. They got married on 01.12.2006. The second petitioner is a Building Contractor and his annual income is Rs.2,04,000/-. The third petitioner is working in an agricultural farm land and her annual income is Rs.18,000/-. 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 second petitioner 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 and found the above said minor child Isaivelan, originally named as Thomas and they accepted to adopt the minor child by signing the Child Study and Medical Reports on 20.04.2021. The child was shown to the second and third petitioners and the child was given in Pre-Adoption Foster Care on 26.04.2021 to the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners, and from that day onwards, the second and third petitioners have 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 “Isaivelan”.

(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 1<sup>st</sup> 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 05.07.2018. Ex.P2 is the original child study and medical reports dated 20.04.2021. Ex.P3 is the attested copy of the Child Welfare Committee order dated 29.01.2021. Ex.P4 is the photograph of the minor Isaivelan. Ex.P5 is the attested photocopy of the decision of Adoption Committee dated 20.04.2021. Ex.P6 is the original affidavit by Chief Functionary of Specialized Adoption Agency dated 22.04.2021. Ex.P7 is the attested photocopy of the Pre-Adoption Foster Care Affidavit dated 26.04.2021. Ex.P8 is the attested photocopy of the certificate of registration under Juvenile Justice Act dated 18.12.2019.

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5. The second petitioner was examined as P.W.2. While deposing, he marked Exs.P9 to P16. Ex.P9 is the attested photocopy of School Leaving

Certificates showing date of birth of petitioners dated 25.03.1983 and 09.05.1985. Ex.P10 is the original marriage certificate dated 21.05.2018. Ex.P11 is the original health certificates of petitioners 2 & 3 dated 01.04.2021. Ex.P12 is the original income certificates of the petitioners 2 and 3 dated 09.04.2021. Ex.P13 is the original recommendation letters dated 15.04.2021. Ex.P14 is the attested photocopy of proof of residence – Aadhar cards. Ex.P15 is the attested photocopy of PAN card of 2<sup>nd</sup> and 3<sup>rd</sup> petitioners. Ex.P16 is the original consent and willingness dated 26.04.2021.

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, Isaivelan, originally named as Thomas, whose date of birth is 13.01.2020, 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 parent.

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 Isaivelan, originally named as Thomas, 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 Isaivelan, originally named as Thomas, 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 Isaivelan, originally named as Thomas, 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 Isaivelan, originally named as Thomas 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 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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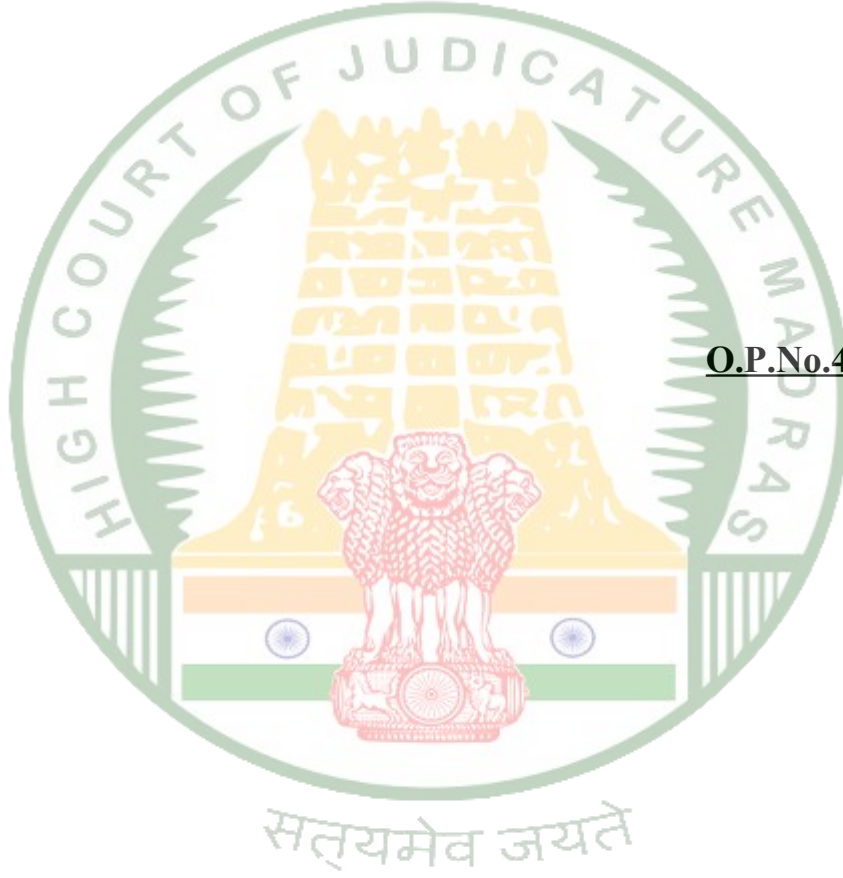
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