

O.P.No.458 of 2021

V.PARTHIBAN,J.

This Original Petition is filed under Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) read with Clause 17 of the Letters Patent, praying for the following reliefs:

(a) The second and third petitioners, who are the prospective adoptive parents may please be given the minor Jothieshwar in adoption and be declared as the parents of the said minor child 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.

2. The facts as culled out from the petition filed by the petitioners, are briefly stated hereunder:

(a) The first petitioner is a recognized Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children), 2015 by the Commissionerate of Social Defence for rehabilitating orphans, abandoned and surrendered children through adoption in accordance with the provisions of the

Juvenile Justice Act and Adoption Regulations. The said recognition is valid for five years from the date of issue.

(b) The minor male child Jothieshwar originally named as Rahul was born on 27.09.2020 and he was declared legally free for adoption by the Child Welfare Committee, Chengalpattu, dated 29.01.2021 and the said child is registered in the Child Adoption Resource Information and Guidance System for the purpose of adoption.

(c) The second petitioner and the third petitioner are the Indian citizens. They got married on 31.10.2011. The second and third petitioners do not have biological child and they wanted to adopt a child. They believe that they have much to offer a child, including their home, love and ability to financially care for a child.

(d) The second petitioner is a farmer (Land lord) and his annual gross income is Rs.1,20,000/- and the third petitioner is running a computer center, called En Computer Education and her annual gross income is Rs.1,74,000/-. The financial position of the couple is good.

(e) Petitioners 2 and 3 stated that they registered for adoption on-line with CARA and through on-line, the child Jothieshwar has been referred to them and they accepted to adopt the child by signing the child study and medical reports on

20.04.2021. The said child was given in Foster Care on 29.04.2021 to the second and third petitioners and from that day onwards, the said couple has been bringing up the said child as their own, bestowing the parental affection. The second and third petitioners are presently residing at No.16, Perumal Kovil Street, Tamaraipakkam post, Sethupakkam, Thiruvallur, Tamil Nadu – 601 103.

(f) The prospective adoptive parents have undertaken to submit post-adoption follow up to ascertain the progress and well-being of the child in the adoptive family, as envisaged under Section 58(5) of the Juvenile Justice Act. The petitioners 2 and 3 have also undertaken to up-bring the above named minor child Jothieshwar as their own child and to accord the same status/rights/privileges to the child above named at par with the natural born child.

(g) The conditions laid down in Section 61(1) of the Juvenile Justice Act have been complied with in this adoption case.

(h) The givers and takers have no interest directly or indirectly adverse to that of the minor child.

(i) The above named minor child is residing within the legal jurisdiction of this Court and hence, this Court has jurisdiction to pass Adoption Order as per the provisions of Sections 2(23), 59(7)

and 61 of the Juvenile Justice Act.

(j) The second and third petitioners understand that the adopted child shall become their lawful child with all rights, privileges and responsibilities that are attached to a biological child.

(k) The second and third petitioners have not filed any other application for adoption of the above named minor child Jothieshwar in any other Court of Law.

Hence the petitioners have filed the present O.P. for the reliefs stated supra.

3. The first petitioner-Secretary was examined as P.W.1 and marked Exs.P-1 to P-8. Ex.P-1 is the original home study report dated 20.10.2018; Ex.P-2 is the original child study and medical reports dated 20.04.2021; Ex.P-3 is the photocopy of C.W.C. order dated 29.01.2021; Ex.P-4 is the photograph of the minor child; Ex.P-5 is the photocopy of decision of Adoption Committee dated 20.04.2021; Ex.P-6 is the original affidavit by Chief Functionary of Specialized Adoption Agency dated 22.04.2021; Ex.P-7 is the photocopy of pre-adoption foster care affidavit dated 29.04.2021; Ex.P-8 is the photocopy of certificate of registration under J.J. Act

dated 18.12.2019.

4. The second petitioner was examined as P.W.2 and marked Exs.P-9 to P-16. Ex.P-9 series are the photocopies of school certificates of petitioners dated 09.05.1970 and 19.09.1985; Ex.P-10 is the original affidavit in respect of their marriage dated 30.03.2021; Ex.P-11 series are the original health certificates dated 29.03.2021; Ex.P-12 is the computer generated copy of the Income Certificate dated 20.04.2021; Ex.P-13 series are the original recommendation letters dated 29.03.2021; Ex.P-14 are the photocopies of Aadhar Cards; Ex.P-15 is the photocopy of PAN Cards and Ex.P-16 is the original consent and willingness dated 29.04.2021.

5. The evidence of P.W.1 and P.W.2 and Exs.P-1 to P-16 show that the petitioners 2 and 3 are entitled to get the relief as prayed for in this petition. Hence, the Original Petition is ordered as prayed for, subject to the following conditions:

(i) Petitioners 2 and 3 are hereby appointed as natural guardians/parents of the minor child Jothieshwar, whose date of birth is 27.09.2020, and they are hereby declared as the adoptive parents for the person of the said minor child and the petitioners 2

and 3 are permitted to take the said minor child to the country of their residence for up-bringing the child as their own child with the legal status of a biological child with all the rights of succession and inheritance.

(ii) The Birth Certificate issuing Authority is directed to issue Birth Certificate for the said minor child, within five working days from the date of application thereof, as per the provisions of Regulation 36 of the CARA Regulations.

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