

O.P.No.573 of 2021

V.PARTHIBAN,J.

This Original Petition is filed under Section 56(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) read with Regulation 5(4) and 55(2) of the Adoption Regulation, praying for the following reliefs:

(a) The legal relationship of father of the above named child G.Nakshatramanjari born on 06.12.2015 may please be transferred to the step-father (1st petitioner) adopting the child along with the biological mother (second petitioner) and they be declared as the parents of the said minor for all purposes allowed by the law.

(b) that the Birth Certificate issuing Authority, Greater Chennai Corporation, Department of Public Health, Tamil Nadu, may please be directed to modify the 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 second petitioner originally married to one Mr.S.Gokula Krishnan. A girl child was born to them on

06.12.2015. The said S.Gokula Krishnan died on 14.05.2016.

(b) The first petitioner is working as Basic Tradesman Junior in Chennai Port Trust. The second petitioner is a home maker. The annual gross income of the first petitioner is Rs.5,07,588/-. The financial position of the couple is good.

(c) The biological mother/second petitioner is desirous of sharing the legal relationship of the child with the spouse adopting the child, G.Nakshatramanjari, being legally married to him and he is wanting to adopt the child. The first and second petitioners are presently residing at Old No.20, New No.10, Karpaga Kanni Amman Koil 4th street, Triplicane, Chennai - 600 005.

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

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

(f) 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 Sub-sections 2 of Section 56 r/w Sub-section 1 of Section 112 of the Juvenile Justice Act.

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

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

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

3. The first petitioner was examined as P.W.1 and marked Exs.P-1 to P-19. Ex.P-1 is the photocopy of his birth certificate showing date of birth as 13.04.1973. Ex.P2 is the photocopy of the certificate of his divorce order in O.P.No.1347/2008. Ex.P3 is the computer generated birth certificate of minor child G.Nakshatramanjari, who born on 06.12.2015. Ex.P4 is the photo

copy of the transfer certificate of the second petitioner. Ex.P5 is the computer generated death certificate of S.Gokula Krishnan who died on 14.05.2016. Ex.P6 is the photo copy of degree certificate of second petitioner dated 05.05.2018. Ex.P7 is the photo copy of his IT return. Ex.P8 is the photo copy of the petitioners marriage invitation dated 08.09.2019. Ex.P9 is the photocopy of petitioners marriage registration certificate dated 17.10.2019. Ex.P10 is the photocopy of his Aadhar card. Ex.P11 is the photocopy of his identity card issued by his Employer. Ex.P12 is the photocopy of his family card. Ex.P14 is the photocopy of Aadhar card of second petitioner. Ex.P15 is the Aadhar card of M.Selvaraj. Ex.P16 is the photocopy of Aadhar card of P.Vasanthi. Ex.P17 is the photocopy of Child Welfare Committee dated 24.03.2021. Ex.P18 is the online registration details with CARA dated 05.02.2021. Ex.P19 is the declaration to accept the office of the guardian of the persons of the minor child.

4.The second petitioner herself examined as P.W.2 and filed her proof affidavit.

5. The evidence of P.W.1 & P.W.2 and Exs.P-1 to P-19 show that the petitioners 1 and 2 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) the relationship of the father of the above named child G.Naksatramanjari born on 06.12.2015 is transferred to the step parent adopting the child and they are declared as the parents of the said minor for all purposes allowed by the law.

(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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