

O.P.No.574 of 2021

V.PARTHIBAN, J.

This Original Petition has been filed by the petitioners under Section 56(2) of the Juvenile Justice (Care and Protection of Children) Act 2015, (2 of 2016) read with Regulations 51 and 55 of the Adoption Regulations to appoint the petitioners 1 and 2 as parents of the person of Minor female child M.Shehnaz Fathima, now known as S.A.Shehnaz Fathima whose date of birth is 13.10.2013, and to grant leave to them to take physical custody of the child for being adopted, fostered, brought up and maintained by the petitioners 1 and 2, and for a direction to issue Birth Certificate in respect of the child.

2.The case of the petitioners in brief is as follows:-

(a) The minor female child viz., M.Shehnaz Fathima now known as S.A.Shehnaz Fathima, born on 13.10.2013 to Mr.S.M.Mugeebuddin and Mrs.Yasmin Begum, the third and fourth petitioners herein. The fourth petitioner is sister of the second petitioner. The third and fourth petitioners have given their consent to give the child in adoption to the first and second petitioners.

(b) The first and the second petitioners got married on 22.05.2003 at Chennai Corporation Community hall, MIR Bakshi Ali Street, Royapettah Chennai – 600 014 and now residing at No.3/166A, 1st Floor, Krishna Nagar, 3rd Cross Street, Palavakkam, Chennai – 600 041. The third and fourth petitioners have three children namely M.Shehnaz Fathima now known as S.A.Shehnaz Fathima born on 13.10.2013, M.Mahamed Asadullah born on 04.10.2016 and M.Zohra Fathima born on 21.06.2021. Since there is no children for the first and second petitioners, they have decided and wanted to adopt a minor child, so that, they can give better future to the minor child.

(c) The first petitioner is working at Department of Atomic Energy, Kalpakkam drawing a salary of Rs.5,09,256/- P.A. and the second petitioner is a house wife.

(d) The 1st and 2nd petitioners 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.

(e) The biological parent of the child, viz., the 3rd and 4th petitioners, had given their consent under Schedule XIX and consent to the proposed

adoption by way of declaration, and the 1st and 2nd petitioners have filed their declaration of willingness to adopt the child.

(f) The proposed adoption of the child by the 1st and 2nd petitioners from the biological parent would be in the paramount welfare of the child and the 1st and 2nd petitioners would treat the child as their own biological child with all rights and responsibilities. Neither the parties have given or agreed to give, nor have the natural parents or guardians of the child received or agreed to receive any payment or reward in consideration of the adoption.

(g) No guardian of person or the property of the said minor female child has been appointed by any Court and that no application has been made any time to this Court or in any other Court with regard to the adoption of the said minor child. The minor female child above named has no property.

(h) The conditions laid down in Section 61(1) of the Juvenile Justice Act have been complied with in this adoption case and the 1st and 2nd 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.The 1st petitioner examined himself as P.W.1. and he filed exhibits Ex.P1 to Ex.P12. Ex.P1 is the photocopy of the Marriage Certificate dated 01.12.2018. Ex.P2 is the computer generated birth certificate of M.Shehnaz Fathima, who was born on 13.10.2013. Ex.P3 (Series 2 Nos) are photocopies of the School Leaving Certificate of the 1st petitioner and Transfer Certificate of the 2nd petitioner. Ex.P4 is the original statement of consent for the purpose of relative adoption given by the petitioners 3 and 4 along with the photocopies of Aadhaar cards of the witnesses. Ex.P5 is the payslip for the month of July 2021 in respect of the 1st petitioner. Ex.P6 is the original Home Study Report dated 31.07.2021. Ex.P7 (series 2 Nos) are the original Medical Fitness Certificates of the petitioners 1 and 2 dated 05.08.2021. Ex.P8 is the Declaration of Willingness given by the adoptive parents. Ex.P9 is the original Gas receipt dated 03.08.2021, filed for the purpose address proof of the adoptive parents. Ex.P10 is the printout

showing registration with CARA. Ex.P11 is the photograph of the minor child M.Shenhaz Fathima @ S.A.Shehnaz Fathima along with compact disc. Ex.P12 (series 2 Nos) are the photocopies of the Aadhaar cards of the petitioners 1 and 2.

5.The third petitioner is examined as P.W.2 and he filed exhibits Ex.P13 and Ex.P14. Ex.P13 are the photocopies of the Aadhaar cards of the third petitioner and his wife (4th Petitioner). Ex.P14 is the Declaration of Willingness jointly given by him and his wife (4th Petitioner).

6.The materials placed before this Court would show that the 1st and 2nd petitioners have decided to adopt the minor child, namely, M.Shehnaz Fathima, now known as S.A.Shehnaz Fathima born to the 3rd and 4th petitioners, who are related to each other, and the biological parent also has given their consent and willingness to give the minor child in adoption to the 1st and 2nd petitioners, as the child will get good care and protection. Therefore, this Court is satisfied that it will be most beneficial to the minor child, if the 1st and 2nd petitioners are appointed as the adoptive parents.

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

- i. The 1st and 2nd petitioners are hereby appointed as adoptive parents of the minor female child M.Shehnaz Fathima, now known as S.A.Shehnaz Fathima, whose photograph is duly attested and annexed hereto, as per Section 56(2) of the Juvenile Justice Act (Act 2 of 2016).
- ii. The minor child M.Shehnaz Fathima, now known as S.A.Shehnaz Fathima is entitled to the legal status of a biological child with all the rights of succession and inheritance.
- iii. The 1st and 2nd petitioners are permitted to take physical custody of the minor M.Shehnaz Fathima, now known as S.A.Shehnaz Fathima for being brought up and maintained by them.
- iv. The 1st and 2nd 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 M.Shehnaz Fathima, now known as S.A.Shehnaz Fathima may be issued with the 1st and 2nd 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 Regulations of CARA, by the concerned authorities.
- vi. The minor child shall be accompanied by a responsible adult.

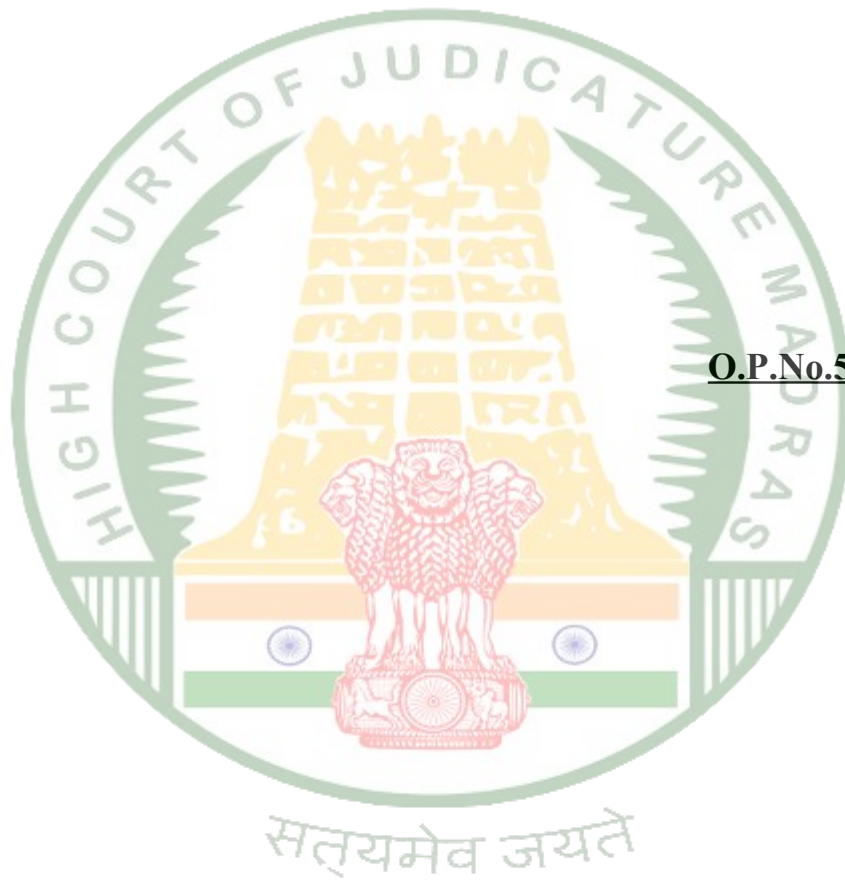
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