



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 21st DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.604 of 2021

In the matter of Juvenile Justice Act
and

In the matter of minor male
Karunakaran Date of Birth :
29.03.2019.

1. Varshini Illam Trust,
No.108, 4th street, AH Block,
Anna Nagar, Chennai-600 040
represented by their authorized person
Mr.John Alex, Trustee

2. Mr.Valsecchi Roberto

3. Mrs.Castelnuovo antonella
Residing at Via Case Sangiorgio e Castelnuovo, 14
23846-Garbagnate Monastero (LC) Italia
represented by their Power of Attorney Holder
Mr.John Alex

: Petitioners

Original Petition praying that this Hon'ble Court be pleased to
grant leave to the 2nd and 3rd petitioner to take custody of Male minor child
Karunakaran whose Date of Birth is 29.03.2019 and take the child outside
india for being adopted, fostered, brought up and maintained by the 2nd and

3rd petitioners Mr.Valsecchi Roberto and Mrs.Castelnuovo Antonella

W/o.Mr.Valsecchi Roberto, both residing Via Case Sangiorgio e



Castelnuovo, 14 23846- Garbagnate Monastero (LC) Italia and that the 2nd and 3rd petitioners Mr.Valsecchi Roberto and Mrs.Castelnuovo Antonella, wife of Mr.Valsecchi Roberto, both residing at Via. Case Sangiorgio e Castelnuovo,14 23846 - Garbagnate Monastero (LC) ITALIA be appointed as parents of the minor male child Karunakaran whose date of birth is 29.03.2019

(a) that the prospective adoptive parents be declared as parents of the person of the said child for all purposes allowed by the law and may be allowed to be taken 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;

(b) that the Birth Certificate issuing Authority be directed to issue Birth Certificate for child Karunakaran within five working days from the date of application, as per the provisions of sub-regulations (5) of the Regulation 18 and Regulation 36 of the CARA Regulations; and

(c) the Regional Passport Office concerned be directed to issue Passport for the said child within 10 days from the date of application, as per sub-regulations (4) of Regulation 18 and Regulation 38 of the CARA



Regulations.

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This Original Petition coming on this day before this Court for hearing in the presence of M/s.Jayasudha Suryanarayanan, Advocate for the petitioners herein and upon reading the petition together with the Declaration of Willingness of Mr.Valsecchi Roberto and Mrs.Castelnuovo antonella, the petitioners 2 & 3 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.Valsecchi Roberto and 2. Mrs.Castelnuovo antonella, the 2nd and 3rd petitioners herein, be and are hereby appointed as natural guardians/parents of the minor male child Karunakaran, whose date of birth is 29.03.2019, and they are hereby declared as the adoptive parents for the person of the said minor child and the petitioners 2 and 3 herein be and are hereby permitted to take the said minor child to the country of their residence (Italy) 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.

2. That the Birth Certificate issuing Authority be and is hereby directed to issue Birth Certificate for the minor child Karunakaran within five working days from the date of application thereof, as per the provisions



of sub-regulation (5) of Regulation 18 and Regulation 36 of the CARA Regulations.

3. That the Regional Passport Office concerned be and is hereby directed to issue Passport for the said child Karunakaran within ten days from the date of application thereof, as per sub-regulation (4) of Regulations 18 and 38 of the CARA Regulations.

4. That the petitioners 2 and 3 herein be and are hereby permitted to take the custody of the minor male child Karunakaran for being adopted, fostered, brought up and maintained by them in Italy.

5. That the petitioners 2 and 3 herein be and are hereby also permitted to take the child out of India for being brought up by them in Italy.

6. That the petitioners 2 and 3 herein shall submit periodical reports regarding the welfare of the child at the intervals of three months in the first two years, and at the intervals of six months during the succeeding three years to the Court.

7. That the minor child Karunakaran shall be adopted by the



petitioners 2 and 3 in accordance with the local laws in Italy, within a period of one year from the date of this order.

ANNEXURE

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
21st DAY OF OCTOBER 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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19.11.2021

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O.P. No.604 of 2021

ORDER

DATED: 21.10.2021

THE HON'BLE MR.JUSTICE
V.PARTHIBAN

FOR APPROVAL: 22.11.2021

APPROVED ON: 23.11.2021

Copy to:

1. The Secretary, Central Adoption Resource Agency, Ministry of Women & Child Dept, West Block VIII, Wing No.1, Second Floor, R.K.Puram, New Delhi.
2. The Secretary, Government of Tamil Nadu, Department of Social Welfare, (Dealing with Child Adoption), Fort St. George, Chennai-600 009.
3. The Commissionerate of Social Welfare, SIDCO Corporate Office, Old Building, (near) SIDCO Electronic Complex, Thiru-vi-ka Industrial Estate, Guindy, Chennai 600 032.
4. Varshini Illam Trust, Rep. by their authorised person, Mr.Jhon Alex, Trustee, No.108, 4th street, AH Block, Anna Nagar, Chennai 600 040.
5. The Regional Passport Officer, Shastri Bhavan, Chennai-600 006.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.10.2021

Coram:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

Original Petition No.604 of 2021

1.Varshini Illam Trust,
No.108, 4th street, AH Block,
Anna Nagar, Chennai-600 040
represented by their authorized person
Mr.John Alex, Trustee

2. Mr.Valsecchi Roberto

3. Mrs.Castelnuovo antonella

...Petitioners

Original Petition filed under Section 56(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) read with Regulations 12(2) and 17(1) of the Adoption Regulations.

For petitioners : M/s.Jayasudha Suryanarayanan

ORDER

This Original Petition (O.P) is filed under Section 56(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016) read with Regulations 12(2) and 17(1) of the Adoption Regulations, praying for the following reliefs:



Mrs.Castelnuovo Antonella, wife of Mr.Valsecchi Roberto, both residing at
Via. Case Sangiorgio e Castelnuovo,14 23846 - Garbagnate Monastero (LC)
ITALIA be appointed as parents of the minor male child Karunakaran
whose date of birth is 29.03.2019:-

(a) that the prospective adoptive parents may be declared as
parents of the person of the said child for all purposes allowed by the law
and may be allowed to be taken 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;

(b) that the Birth Certificate issuing Authority may be directed to
issue Birth Certificate for child Karunakaran within five working days from
the date of application, as per the provisions of sub-regulations (5) of the
Regulation 18 and Regulation 36 of the CARA Regulations; and

(c) the Regional Passport Office concerned may be directed to
issue Passport for the said child within 10 days from the date of application,
as per sub-regulations (4) of Regulation 18 and Regulation 38 of the CARA
Regulations.

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 (2 of 2016) by the State Government of Tamil Nadu, for rehabilitating orphans, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations. CARA (Central Adoption Resource Authority) has issued notice on 18.05.2016 to all specialized Adoption Agencies that they can file petition in Court. Varshini Illam Trust, Chennai, being Specialized Adoption Agency had been directed by CARA in their NOC, dated 31.03.2019 to do inter-country adoption in this case. The in-country licence granted to the first petitioner-institution by the Government of Tamil Nadu has been renewed on 23.12.2016 and the period of validity of the certificate is five years from 23.12.2016 to 22.12.2021. The first petitioner has no objection in placing the child in adoption, as these parents have been matched by the international adoption agency through AFAA (Authorised Foreign Adoption Agency) International Adoption Agency, Italy in on-line process.

(b) The first petitioner is a registered Child Care institution, which is having the care and custody of the minor male child Karunakaran, having date of birth as 29.03.2019.

(c) The second petitioner is Mr. Valsecchi Roberto, aged about 44 years and the third petitioner is Mrs. Castelnovo Antonella, wife of



Mr.Valsecchi Roberto, aged about 42 years, both are residing at, via Case Sangiorgio e Castelnuovo, 14 23846 - Garbagnate Monastero(LC), ITALIA being represented by their Power of Attorney Holder Mr.John Alex, working as Trustee at Varshini Illam Trust at No.108, 4th street, AH Block, Anna Nagar, Chennai- 600 040. The Power of Attorney holder Ms.John Alex is working as Trustee at Varshini Illam Trust which is a Child Welfare Organisation, having its registered office at No.108, 4th street, AH Block, Anna Nagar, Chennai- 600 040.

(d) The minor child above named, born on 29.03.2019, was abandoned child and handed over to Varshini Illam Trust on 05.08.2019 by Child Welfare Committee, Villupuram. The said child was declared as abandoned and free for adoption by the Child Welfare Committee, Chengalpattu by its order dated 30.03.2020. At present, the child is about two years and five months old.

(e) The second petitioner is a citizen of ITALIA, holding Passport No.YB5687417 and the third petitioner is citizen of ITALIA holding Passport No.YB5687412. The date of birth of the second petitioner is 11.02.1977 and that of the third petitioner is 04.07.1979. They got married on 14.04.2007. The petitioners 2 and 3 do not have a biological/adopted child. They wanted to adopt a child from India. It is their averment in the petition that they could offer a child, including their home, love and ability



to financially care for a child. The second petitioner works as Warehouse Manager at Limonta Hams Ltd, Ham factory, Costa Masnaga earning a gross annual salary of 70433 Euros, which is equivalent to Indian Currency about Rs.61,87,000/- as on 22.07.2021 taken from currency exchange rates in Internet. The third petitioner is presently employed as Administrative Employee with Omec Ltd, Metalworking Company, Moltena and gets a net annual salary of 16,860 Euros which is equivalent to Indian Currency about Rs.14,79,700/-. The financial position of the couple (second and third petitioners) is good.

(f) The petitioners 2 and 3 registered for adoption on-line with CARA through AFAA, Italy (Authorised Foreign Adoption Agency) International Adoption Agency, Italy. Home Study Report was conducted and report prepared by AFAA. Through on-line system of the matching as per the new CARA Guidelines, 2015, child Karunakaran was matched on-line and the second and third petitioners accepted to adopt child Karunakaran on 03.04.2021 by signing the declaration of willingness to adopt the above named minor child. The second and third petitioners have signed the Child Study Report and Medical Examination Report pertaining the above named minor child and decided to adopt the above named minor child. All the relevant papers pertaining to the second and third petitioners,



the petition. The second and third petitioners are presently residing at via Case Sangiorgio e Castelnuovo, 14 23846 - Garbagnate Monastero(LC), ITALIA

(g) The Government of India Central Adoption Resource Authority (CARA) has issued No Objection Certificate for giving in adoption the minor male child above named to the second and third petitioners, namely Mr.Valsecchi Roberto and Mrs.Castelnuovo Antonella, Wife of Mr.Valsecchi Roberto, both residing at via Case Sangiorgio e Castelnuovo, 14 23846 - Garbagnate Monastero(LC), ITALIA

(h) The Power of Attorney Holder of the second and third petitioners further state that, no guardian of person or the property of the minor male child above named had been appointed by any Court and the minor male child above named had no property.

(i) The prospective adoptive parents have undertaken through International Adoption Agency, Italy, Authorized Foreign Adoption Agency/Central Authority concerned that they will allow the authorized social worker/functionary of the Authorized Foreign Adoption Agency/Central Authority/concerned Government Department, to visit their home for undertaking post-adoption follow-up to ascertain the progress and the well-being of the child in the adoptive family, as envisaged under



(j) The second and third petitioners have undertaken to up-bring the above named minor child Karunakaran as their own child and to accord the same status/rights/privileges to the child above named at par with the natural born child.

(k) It is the case of the petitioners that the conditions laid down in Section 61(1) of the Juvenile Justice Act, have been complied with in this adoption case.

(l) 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.

(m) CARA has issued No objection Certificate for the proposed adoption as provided in Regulation 16 of the Adoption Regulations.

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

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

(p) Hence, the petitioners 2 and 3 seeks permission to adopt the minor child above named and according to them, they are the fit and proper



persons to adopt the minor child Karunakaran and if such permission is granted, the same would be in the interest and welfare of minor child and the second and third petitioners may be also permitted to take the minor child outside India to Italy and necessary travel documents have to be obtained for taking the minor male child outside India. Hence, the petitioners 2 and 3 seek leave to take custody of male minor child Karunakaran whose date of birth is 29.03.2019 and take the child outside India for being adopted, fostered, brought up and maintained by the petitioners 2 and 3.

Therefore, for the above reasons, the petitioners have filed the present petition for the relief stated supra.

3. The Power of Attorney of the petitioners, who is a Trustee in Varshini Illam Trust, was examined as P.W.1. Exs.P-1 to P-19 were marked.

4. Ex.P-1 is the photocopy of the Trust Deed, dated 09.04.2014; Ex.P-2 is the photocopy of the letter dated 23.12.2016 sent by the Secretary to the Government Social Welfare and Nutritious Meal Programme Department to Recognition; Ex.P-3 is the photocopy of the letter dated 04.08.2020 sent by the Department of Social Defence; Ex.P-4 is the photocopy of the Power of Attorney Deed dated 03.04.2021; Ex.P-5 is the



original letter dated 05.08.2019 sent by the Child Welfare Committee, Villupuram District to the Varshini Trust; Ex.P-6 is the photocopy of the order dated 30.03.2020 passed by the Child Welfare Committee, Villupuram District; Ex.P-7 is the original Child Study Report, dated 16.03.2021; Ex.P-8 is the original Medical Examination Report of the child, dated 03.04.2021; Ex.P-9 is the photocopy of the No Objection Certificate, dated 13.04.2021 issued by the Central Adoption Resource Authority (CARA); Ex.P-10 is the original Home Study Report, dated 12.05.2020; Ex.P-11 is the original Certificate of Marriage, dated 09.06.2020; Ex.P-12 (series 2 numbers) are the original Certificates of Medical Fitness of the petitioners 2 and 3; Ex.P-13 is the original wage certificate of the 2nd petitioner dated 27.04.2020 along with English Translation. Ex.P-14 is the original Police Clearance Certificate, dated 09.06.2020; Ex.P-15 is the original declaration of willingness given by the adoptive parents, dated 03.04.2021; Ex.P-16 are the apostille copies of the Passports of the adoptive parents bearing No.YB5687417 and YB5687412; Ex.P-17 is the original statement of Undertaking along with English translation; Ex.P-18 is his affidavit; Ex.P19 is the photograph of the minor child Karunakaran along with compact disc.



5. The evidence of P.W.1 and Exs.P-1 to P-19 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) The petitioners 2 and 3 are hereby appointed as natural guardians/parents of the minor male child Karunakaran, whose date of birth is 29.03.2019, 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 (Italy) for upbringing 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 minor child Karunakaran within five working days from the date of application thereof, as per the provisions of sub-regulation (5) of Regulation 18 and Regulation 36 of the CARA Regulations.

(iii) The Regional Passport Office concerned is directed to issue Passport for the said child Karunakaran within ten days from the date of application thereof, as per sub-regulation (4) of Regulations 18 and 38 of



the CARA Regulations.

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(iv) The petitioners 2 and 3 are permitted to take the custody of the minor male child Karunakaran for being adopted, fostered, brought up and maintained by them in Italy.

(v) The petitioners 2 and 3 are also permitted to take the child out of India for being brought up by them in Italy.

(vi) The petitioners 2 and 3 shall submit periodical reports regarding the welfare of the child at the intervals of three months in the first two years, and at the intervals of six months during the succeeding three years to the Court.

(vii) The minor child Karunakaran shall be adopted by the petitioners 2 and 3 in accordance with the local laws in Italy, within a period of one year from the date of this order.

Sd./-(V.P.N.J.,)
21.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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