

O.P.No.578 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 legal relationship of father of the above named child Aurora Carmelina born on 21.07.2016 may please be transferred to the step-parent (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 issue/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.Preethan Miranda. A girl child was born to them on 21.07.2016. On 23.06.2016, the said Mr.Preethan Miranda died leaving behind

the second petitioner (the biological mother) and the unborn child. On 17.05.2019, the second petitioner married the first petitioner.

(b) The first petitioner is working as Chief Operating Officer in the Jeganee Technologies, Chennai. Since, the lockdown last year, he has not been getting his monthly salary regularly. But the petitioners own vacant lands, houses and shops in Palayamkottai, Tirunelveli from which they get a monthly income of Rs.45,000/-. They are also having a PF amount of approximately Rs.8 Lakhs and fixed deposits for Rs.29 Lakhs in HDFC Bank. 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, Aurora Carmelina, being legally married to him and he is wanting to adopt the child. The first and second petitioners are presently residing at No.F-2, Guru Brindavan, Ragavendra street, Velachery, Chennai - 600 042.

(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 Aurora Carmelina in any other Court of Law.

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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-14. Ex.P-1 is the photocopy of the marriage certificate dated 04.09.2019. Ex.P2 is the photocopy of the Consent as provided in schedule XX of CARA guidelines dated 08.07.2021. Ex.P3 is the computer generated death certificate of T.Preethan Miranda, who died on 23.06.2016. Ex.P4 is the photograph of the minor Aurora Carmelina. Ex.P5 is the photograph of the first petitioner. Ex.P6 is the photograph of the second petitioner. Ex.P7 is the photocopy of the PAN card. Ex.P8 is the photocopy of the PAN card of the second petitioner. Ex.P9 is the photocopy his school certificate showing his date of birth as 18.05.1986. Ex.P10 is the photocopy of the birth certificate of K.Brinda Rayen born on 23.04.1990. Ex.P11 is the computer generated birth certificate of Aurora Preethan, born on 21.07.2016. Ex.P12 is the photocopy of the Tamil Nadu Gazette publication dated 04.12.2019. Ex.P13 is the photocopy of his Aadhar card. Ex.P14 is the photocopy of the Aadhaar Card of the second petitioner.

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4. The evidence of P.W.1 and Exs.P-1 to P-14 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 Aurora Carmelina born on 21.07.2016 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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