

O.P.No.539 of 2020**R.PONGIAPPAN, J.**

This petition has been filed under Section 56(4) of the Juvenile Justice Act 2 of 2016 read with Regulations 12(2) and 17(1) of the Adoption Regulations for the following reliefs:

- a. to appoint the second and third petitioners as adoptive parents of minor female child Sreyanithi and that the prospective adoptive parents may please 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 within the legal status of a biological child with all the rights of succession and inheritance.
- b. to direct the Birth Certificate Issuing Authority to issue Birth Certificate for the said child within five working days from the date of application, as per the provisions of sub-regulations (5) of the Regulations 18 and Regulation 36 of the Adoption Regulations of CARA
- c. 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 the regulations 18 and regulation 38 of CARA Regulations.

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

(a) The Bala Mandir Kamaraj Trust is a Child Welfare Organisation having its registered office at New No.8, G.N.Chetty Road, T.Nagar, Chennai 17. The Trust is recognised by CARA for dealing in Inter Country Adoption. The inter country license granted to the Trust has been renewed on 29.04.2019 and the period of validity of the certificate is five years from 30.12.2018 to 29.12.2023.

(b) The child Sreyanithi, born on 24.03.2013 was abandoned child and handed over to Bala Mandir on 07.05.2015 by Child Welfare Committee and later transferred to the Bala Mandir Kamaraj Trust adoption unit on 26.04.2019. The Child was declared as abandoned and free for adoption by the Child Welfare Committee, Chennai by its Order dated 02.08.2019. सत्यमेव जयते

(c) The petitioners got married on 03.09.2006 in Volterra (PISA). The second and third petitioners are Italian citizens. The second and third petitioners do not have a biological/adopted child. They wanted to adopt a child from India and they decided to adopt the

minor child Sreyanithi. The Home Study Report was conducted and report prepared by AFAA (Authorised Foreign Adoption Agency), Italy based on the registration to Central Adoption Resource Authority (CARA) online. The second petitioner is working as a Software Senior Designer with LEONARDO Electronics for Defense and Security earning a gross annual salary of 42.543,00 Euros, which is equivalent to Indian currency about Rs.34,75,669/- as on 31.12.2018 taken from currency exchange rates in internet. The third petitioner is working in Pharma Dr.Max and gets an annual income of 37.239,00 Euros which is equivalent to Rs.30,42,932/-. The financial position of the second and third petitioners is good. Hence, they have sufficient means to take guardianship and adoption of the minor child.

3. Heard the learned counsel appearing for the petitioners.

4. The petitioners' power agent examined herself as P.W.1. In her evidence, she has reiterated what are all stated in the petition. She is a social worker in Bala Mandir Kamaraj Trust.

5. While deposing, the power agent marked 18 documents as Exs.P1 to P18. Ex.P1 is the photocopy of the Power of Attorney dated

19.08.2015. Ex.P2 is the photocopy of the General Power of attorney in Italian, dated 10.01.2020 along with its English translation (Except passport and identity cards annexed with the document, all other pages are compared and verified with the original). Ex.P3 is the photocopy of the Certificate of Recognition dated 29.04.2019. Ex.P4 is the photocopy of the Order of the Child Welfare Committee, Chennai dated 07.05.2015. Ex.P.5 is the photocopy of the proceedings of the Child Welfare Committee, Chennai dated 26.04.2019. Ex.P.6 is the photocopy of the certificate of the Child Welfare Committee dated 02.08.2019. Ex.P.7 is the original Child Study Report dated 17.08.2019. Ex.P.8 is the original Medical Examination Report. Ex.P9 is the photocopy of the No Objection Certificate dated 19.12.2019 from Central Adoption Resource Authority. Ex.P10 is the original Home Study Report in Italian, dated 06.03.2019 along with its English translation. Ex.P11 is the notarized copy of the Certificate of Marriage in Italian, dated 06.02.2019 along with its English translation. Ex.P.12 (Series 2 Nos) are the original Medical Certificates in Italian, both dated 08.02.2019 along with English translation. Ex.P.13 (series 2 Nos) are the original certificates in Italian regarding employment and proof of income of the 2nd and 3rd petitioners, dated 31.01.2019 and 08.02.2019, along with their English translation. Ex.P.14(Series 2

Nos) are the original Police Clearance certificates in Italian dated 24.01.2019 and 24.12.2018 along with their English translation. Ex.P15 is the original letter of consent and declaration of willingness of the petitioners 2 and 3. Ex.P16 (series 2 Nos) are the notarized copies of the passports of the petitioners 2 and 3. Ex.P17 is the original letter of undertaking given by the adoption agency, dated 18.11.2019. Ex.P18 is the original photograph of the minor child Sreyanithi along with compact disc.

6. The power agent had given evidence to the effect that adoption of the child concerned in this case by the second and third petitioners would be in the best interest and welfare of the minor child itself.

7. The materials placed before this Court definitely show that the minor child is an abandoned child and his welfare definitely deserves the second and third petitioners being appointed as adoptive parents and being given to them as their adoptive child. I am satisfied that it will be most beneficial to the minor child, if the second and third petitioners are appointed as the adoptive parents.

8. Accordingly, this original petition is ordered as prayed for subject to the following conditions:-

(i) The second and third petitioners are hereby appointed as adoptive parents of the female minor child Sreyanithi, whose photograph is duly attested and annexed hereto, as per Section 56(1) of the Juvenile Justice Act of 2015 as amended by Act 2 of 2016.

(ii) The minor child Sreyanithi is entitled to the legal status of a biological child with all the rights of succession and inheritance.

(iii) The second and third petitioners are permitted to take physical custody of the minor Sreyanithi for being taken outside India, outside the jurisdiction of this Court for being brought up and maintained by them in their home town at Italy, Via San Sebastiano No.2, Cascina (Pisa).

(iv) The second and third 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 for Child Sreyanithi may be issued by the concerned authorities in India

(vi) The minor child shall be accompanied by a responsible adult.

(vii) The authority concerned shall issue necessary passport and travel documents to facilitate the travel.

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R.PONGIAPPAN, J.

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O.P.No.539 of 2020

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