

O.P.No.575 of 2020

R. PONGIAPPAN, J.

This Original Petition has been filed by the petitioners under Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act 2015, read with Clause 17 of the Letters Patent praying

- i. that the 2nd and 3rd petitioners, who are the prospective adoptive parents, may be given the minor Keerthisri in adoption and be declared as the parents of the said minor for all purposes allowed by the law.
- ii. that the Birth Certificate Issuing Authority, Cantonment Board, St.Thomas Mount-cum-Pallavaram, Chennai – 16, may be directed to issue 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 case of the petitioners in brief is as follows:-

- (a) The 1st petitioner, represented by its Secretary Sr.Thresiamma M., administering the St.Thomas Mount Babies Home as one of its activities, is

a recognized Specialized Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children) Act 2015 by the Commissionerate of Social Defence under Proc.No.14929/D2/2019, dated 18.12.2019, for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the said Act and Adoption Regulations of CARA. The said recognition is valid for five years from the date of issue. The said institution is now functioning at St.Thomas Mount, Chennai, within the legal jurisdiction of this Court.

(b) The minor female child Keerthisri, originally named as Keerthi Sri, was born on 23.09.2018. She was declared legally free for adoption by the Child Welfare Committee, Chengalpattu, dated 07.08.2020, as per the provisions of Section 38 of the Juvenile Justice Act, and the said child is registered in the Child Adoption Resource Information and Guidance System with Registration No. RIPA/TN2/0318, for the purpose of adoption as envisaged in Section 56 (1) of the Juvenile Justice Act.

(c) The 2nd and 3rd petitioners got married on 28.05.2007. They are ordinarily residing at No.2-2-58/15, Nagasapuram Veedhi, Illisipuram, Srikakulam, Andhra Pradesh - 532 001. The 2nd and 3rd petitioners are registered in the Child Adoption Resource Information and Guidance System with Registration No.PrAn92867280. The second petitioner is a teacher in Z.P.H.School, Sundarapuram, Srikakulam District. His monthly gross salary is Rs.61,678/-. The third petitioner is a teacher in Z.P.H. School, GARA. Her monthly gross earnings is Rs. 76,573/-. They have been found eligible and suitable to adopt the above-named child as per the criteria mentioned in Section 57 of the Juvenile Justice Act and Regulation 5 of the Adoption Regulations of CARA, based upon their Home Study Report. They have been found suitable by the Adoption Committee to adopt the minor Keerthisri.

(d) The minor Keerthisri has been referred to the said petitioners online through Child Adoption Resource Information and Guidance System. The 2nd and 3rd petitioners accepted to adopt the said minor by signing the

Child Study and Medical Reports on 01.10.2020. The child has been given in Pre-Adoption Foster Care to the 2nd and 3rd petitioners on 04.11.2020, after obtaining a Pre-adoption Foster Care Affidavit as per the provisions of Section 58 (3) of Juvenile Justice Act and Regulation 11(1) of the Adoption Regulations of CARA.

(e) The 2nd and 3rd petitioners have undertaken in the said Pre-Adoption Foster Care Affidavit that they will allow the authorized social worker of the Specialized Adoption Agency to visit their home for undertaking post adoption follow up to ascertain the progress and well-being of the child in the adoptive family as per Section 58 (5) of Juvenile Justice Act. 6. The 2nd and 3rd petitioners have further undertaken to inform any change in the place of their residence to the Specialized Adoption Agency and to the State Adoption Resource Agency concerned and to this Court for the purpose of post adoption Follow-up.

WEB COPY

(f) The 2nd and 3rd petitioners have also undertaken to up-bring the said child as their own, and to accord the same status, rights, and privileges

to the child at par with the natural born child as provided in pre-adoption foster care affidavit.

(g) The first petitioner, which is a Specialized Adoption Agency, has decided to place the child in adoption as per decision of the Adoption Committee dated 01.10.2020.

(h) The conditions laid down in Section 61(1) have been complied with in this adoption case. The petitioners have no adverse interest against the minor Keerthisri.

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

(j) The 2nd and 3rd petitioners have not filed any other Application for the adoption of the said child in any other Court of Law.

3.Heard the learned counsel appearing for the petitioners. There are no respondents in this petition.

4.In this regard, Sr.Thresiamma, Secretary of the 1st petitioner Specialized Adoption Agency, examined herself as P.W.1. She reiterated the averments stated in the petition and expressed her willingness to give the above named minor child in adoption to the 2nd and 3rd petitioners. While deposing, she marked 8 documents as Exs.P1 to P8. Ex.P1 is the Original Home Study Report dated 01.01.2018. Ex.P2 series (2 Nos.) are the original Child Study and Medical Reports dated 01.10.2020. Ex.P3 is the photocopy of the Child Welfare Committee order dated 07.08.2020. Ex.P4 is the photograph of the minor Keerthisri. Ex.P5 is the photocopy of the Decision of Adoption Committee dated 01.10.2020. Ex.P6 is the original Affidavit of the Chief Functionary of Specialized Adoption Agency dated 04.11.2020. Ex.P7 is the photocopy of the Pre-Adoption Foster Care Affidavit dated 05.11.2020. Ex.P8 is the photocopy of the certificate of registration under Juvenile Justice Act, dated 18.12.2019.

5.The 2nd petitioner examined himself as P.W.2 on his behalf and on behalf of his wife/3rd petitioner also. He iterated the averments in the petition and while deposing, he marked 8 documents as Exs.P9 to P16. Ex.P9 series (2 Nos.) are the photocopies of the School Certificates of the 2nd and 3rd petitioners showing their date of birth as 09.06.1974 and 31.08.1972. Ex.P10 is the photocopy of their marriage certificate dated 28.05.2007. Ex.P11 series (2 Nos.) are their original Health Certificates dated 13.10.2020. Ex.P12 series (2 Nos.) are their original salary certificates for the month of September, 2020. Ex.P13 series (2 Nos.) are the original recommendation letters dated 01.10.2020. Ex.P14 series (2 Nos.) are the photocopies of their Aadhar Cards, showing their identity. Ex.P15 series (2 Nos.) are the photocopies of their PAN Cards. Ex.P16 is their original Consent and Willingness dated 05.11.2020. All the photocopies were marked after comparing and verifying with the original.

WEB COPY

6.The materials placed before this Court would show that the 2nd and 3rd petitioners have decided to adopt the minor child, namely, Keerthisri,

whose date of birth is 23.09.2018, who is an abandoned child, and her welfare definitely deserves the 2nd and 3rd petitioners being appointed as adoptive parents and being given to them as their adoptive child. Therefore, I am satisfied that it will be most beneficial to the minor child, if the 2nd and 3rd petitioners are appointed as her adoptive parents.

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

- i. The 2nd and 3rd petitioners are hereby appointed as adoptive parents of the minor female child Keerthisri, whose photograph is duly attested and annexed hereto, as per Section 56(1) of the Juvenile Justice (Care and Protection of Children) Act 2015 (Act 2 of 2016).
- ii. The minor child Keerthisri, is entitled to the legal status of a biological child with all the rights of succession and inheritance.
- iii. The 2nd and 3rd petitioners are permitted to take physical custody of the minor Keerthisri, for being taken, brought

up and maintained by them, outside the jurisdiction of this Court, at their home at Andhra Pradesh.

- iv. The 2nd and 3rd 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 Keerthisri may be issued within five working days from the date of application, as per the provisions of Regulations 18 and 36 of the Regulations of CARA, by the concerned authorities.
- vi. The minor child shall be accompanied by a responsible adult.

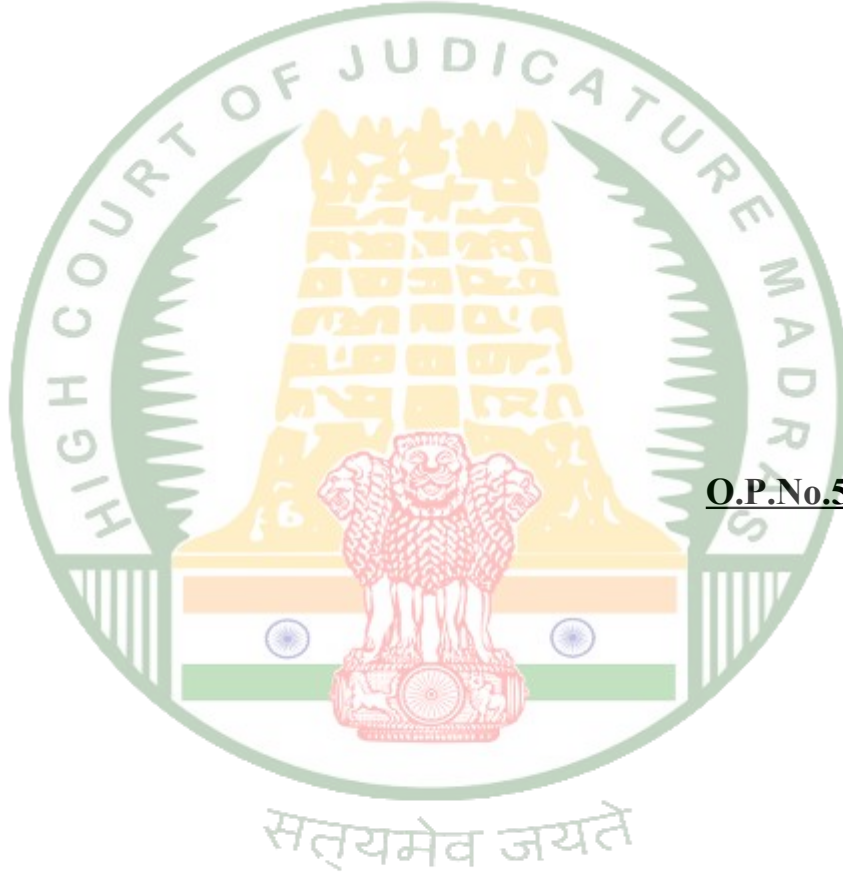
WEB COPY

10.03.2021

mkn

R. PONGIAPPAN, J.

mkn



O.P.No.575 of 2020

WEB COPY

10.03.2021