



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 28.02.2022	Delivered on 08.03.2022
---	--

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.No.321 of 2022
in
O.P.No.199 of 2015

The main Original Petition was filed under Section 41(6) of the Juvenile Justice (Care and Protection of Children) Act 2000 (as amended by Act 33 of 2006) along with Juvenile Justice (Care and Protection of Children) Rules 2007 read with Clause 17 of the Letters Patent read with Order XXI Rule 2 and 3 of O.S.Rules, to appoint the petitioners as adoptive parents of the person of minor female child Jenifer @ Swathi born on 17.06.2007 whose photograph is duly attested and annexed hereto during her minority or until further orders of this Court.

2. In the said Original Petition on 01.04.2015, after giving due consideration to the pleadings and the evidence available on record, this Court held that the materials placed before the Court would show that the welfare of the minor definitely deserves the petitioners being appointed as



adoptive parents and being given to them as their adoptive child till she attains majority. Further this Court was satisfied that it would be most beneficial to the minor child, if the petitioners were appointed as the adoptive parents. Therefore, this Court ordered the Original Petition as prayed for and the petitioners were appointed as adoptive parents of the minor Jenifer @ Swathi, born on 17.06.2007, whose photograph was duly attested and annexed hereto during her minority as per Section 41(6) of the Juvenile Justice Act of 2000 as amended by Act 33 of 2006 till she attains majority.

3. After allowing the Original Petition, the applicants/petitioners were appointed as the adoptive parent of the minor child namely Jenifer @ Swathi born on 17.06.2007. Thereafter, the minor child was studying in the school. Now the minor child is going to write her board exams and hence the school is demanding her birth certificate. Moreover the minor child also is not aware that she is an adoptive child and has been brought up by the applicants/petitioners till date with utmost love and care. Now as the school is demanding the birth certificate, the applicants/petitioners have filed the Application in A.No.321 of 2022 seeking to issue direction to the second respondent to issue birth certificate of the minor child, Jenifer @ Swathi,



born on 17.06.2007, within 5 working days from the date of receipt of the application by incorporating the particulars of the adoptive parents as parents as per the provisions of Regulation 36 of the Adoption Regulation of CARA.

4. Heard the learned counsel appearing for the parties and perused the materials placed on record.

5. Section 36 of the Adoption Regulation of CARA reads as follows:-

Birth certificate issuing authority:-

The local registrar notified under the Registration of Births and Deaths Act, 1969 (18 of 1969) shall issue birth certificate within five working days in favour of an adopted child on an application filed by the Specialised Adoption Agency or adoptive parents, incorporating the names of the adoptive parents as parents and the date of birth of the child as mentioned in the adoption order of the court, in accordance with circulars issued from time to time by the Registrar General of India.



WEB COPY

6. After perusal of the materials available on record, as per order of this Court in O.P.No.199 of 2015, dated 01.04.2015, ordering the applicants/petitioners as adoptive parents and in view of Section 36 of the Adoption Regulation of CARA, this Court is inclined to grant the relief as sought for by the applicants/petitioners. Accordingly, this Application is allowed with a direction to the Commissioner, Greater Chennai Corporation, Ripon Building, Chennai to issue birth certificate for the minor Jenifer @ Swathi, born on 17.06.2007, within 5 working days from the date of receipt of the application as per the provisions of Regulation 36 of the Adoption Regulation of CARA.

08.03.2022

pbn

Index : Yes/No

Internet : Yes/No



WEB COPY



P.VELMURUGAN, J

pbn

Pre-Delivery Order in
A.No321 of 2022
in
O.P.No.199 of 2015

08.03.2022