



O.P.No.366 of 2022

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KRISHNAN RAMASAMY, J.,

This Petition is filed under Section 56(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, for giving the new born female child, namely, Nafisa Hussain Madraswala, who was born on 24.11.2021 in adoption to the Petitioners 1 and 2 herein and for a declaration that they are the parents of the minor child and also for a direction to the Corporation of Chennai, the Birth Certificate Issuing Authority, to issue a birth certificate for the child within 5 working days from the date of order as provided in Regulation 36 of the Adoption Regulations and also for a direction to the Regional Passport Office concerned, to issue Passport to the said child within 10 days from the date of receipt of application, as per the provisions of Sub Regulation (4) of Regulation 18 and Regulation 38 of Adoption Regulations.

2. The facts as culled out from the petition filed by the petitioners, are briefly stated hereunder:

(a) The first and second petitioners are husband and wife. The marriage between them, was celebrated on 05.08.2007. Despite 15 years of



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their marriage, they have not been blessed with child out of their wedlock due to some medical reason.

(b) The second petitioner is the sister of the third petitioner and the relation between the families is good. The third and fourth petitioners have one son and two daughters namely, Burhanuddin Hussain Madraswala born on 28.01.2019, Amatulllah Hussain Madraswala born on 24.09.2016 and Nafisa Hussain Madraswala born on 24.11.2021 respectively.

(c) During the birth of the new born child, the petitioners 1 and 2 were always by the side of the petitioners 3 and 4, therefore, the minor child has become very close and affectionate to the petitioners 1 and 2. Due to the medical reason, with an intention to adopt the minor child, the petitioners 1 and 2 approached the petitioners 3 and 4 in the presence of family members and requested them to give the new born child in adoption to them.

(d) Petitioners 1 and 2 stated that they have given assurance to the petitioners 3 and 4 to take full care of the new born child as if they are the biological parents and will treat the child as their own child. They further stated that they will give all privileges and rights to the new born child as if the child is born to them only. They further stated that insofar as their



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financial status is concerned, the first petitioner is a Businessman, as Proprietor of M/s.Hussain Zakir Technical Service, Dubai and the second petitioner is the housewife but has got some income. They stated that the first petitioner is financially capable to maintain the second petitioner and the new born child and will give the best care to the minor child.

(e) After understanding the circumstances of the first and second petitioners that they are not capable to give birth to the child and after getting full satisfaction from them that they will take good care of the child, the petitioners 3 and 4 on their volition, have given their consent to the petitioners 1 and 2 for adoption.

(f) The petitioners further state that the new born child will be taken to UAE after adoption as the first petitioner is working in UAE and for the time being, the new born child will reside with them at Flat No.1804, 18th floor, Al Widad Tower, Al Nahda, 1, Deria Dubai, UAE and thereafter, if there is any change in the residence in UAE, the first and second petitioners will inform the necessary authority under the Juvenile Justice Act, in writing.

(g) The first and second petitioners understand that the adopted child



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shall become their lawful child with all rights, privileges and responsibilities that are attached to a biological child.

(h) The first and second petitioners have not filed any other application for adoption of the above named minor child Nafisa Hussain Madraswala in any other Court of Law.

3. Hence the petitioners have filed the present O.P. for the reliefs stated supra.

4. In order to prove their case, the second petitioner is examined as P.W.1 and marked Exs.P1 to P10. Ex.P1 is the photocopy of her passport; Ex.P2 is the photocopy of her Aadhaar Card; Ex.P3 is the photocopy of the Aadhaar Card of 3rd petitioner; Ex.P4 is the photocopy of the Aadhaar Card of 4th petitioner; Ex.P5 is the computer generated birth certificate of Nafisa Hussain Madraswala; Ex.P6 is the original joint consent affidavit for the purpose of relative adoption; Ex.P7 is the online application for registration of adoption; Ex.P8 is the original home study report dated 13.05.2022; Ex.P9 is the photograph of the minor Nafisa along with compact disc; Ex.P10 is the joint consent affidavit of adoptive parents. The third



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petitioner is examined as P.W.2. and has filed his proof affidavit.

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5. The learned counsel for the petitioners would submit that the petitioners 1 and 2 have been found eligible and suitable to adopt and retain the child as provided in Section 2(52) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2010) and that the petitioners have registered their case with CARA bearing Regn.No.RLTN20220468398 and based on that, the concerned Protection Officer of the District Child Protection Unit made home visit on 13.05.2022 and conducted home study and thereafter, issued Home Study Report dated 13.5.2022, recommending that the petitioners 1 and 2 are eligible for relative adoption.

6. On consideration of the above evidence and also keeping in mind that the welfare of the minor child definitely deserves the petitioners 1 and 2 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 petitioners 1 and 2 are appointed as the adoptive parents. I am of the view that it is in the paramount interest of the child that this Petition should be allowed.



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

(i) Petitioners 1 and 2 are hereby appointed as guardians/parents of the minor child Nafisa Hussain Madraswala, whose date of birth is 24.11.2021, and they are hereby declared as the adoptive parents of the said minor child and the petitioners 1 and 2 are permitted to take the child to 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.

(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 Adoption Regulations, 2017.

(iii) The Regional Passport Authority concerned is directed to issue Passport of the said minor Child within 10



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days from the date of application as per the provisions of
Regulation 38 of the Adoption Regulations, 2017.

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