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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 6th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.564 of 2021

In the matter of the Juvenile Justice
Act 2005

and

In the matter of Female Minor
P.Tanusree born on 21.11.2007

1. Mr.Mathew Blair Ellison, M,
Aged about 47 years,
Son of Everett Blair Ellison Jr.
(USA Passport No.541576064)

2. Mrs.Pavithra Ranganathan Ellison, F,
Aged about 43 years,
Wife of Mr.Mathew Blair Ellison,
(USA Passport No.643490189)
Both are residing at
No.4761 Ridgetop Drive,
Morgantown, WV-26508,
United States.

Represented by their power of attorney
Mr.S.Ranganathan, M.Aged about 77 years,
S/o.late Mr.R.Srinivasan,
Residing at No.9, Old No.7,
Srinivasan Street, R.A.Puram, Chennai -28.

.. Petitioners

and

3. P.Bharathi
Daughter of M.N.Chokkanna
No.58, Aakash Nagar, Manimedu thandalam,
Chennai 600128.

...Biological Mother



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Original Petition praying that this Hon'ble Court be pleased to :

a) That the 1st and 2nd petitioners be appointed as the parents of the person of the minor girl P Tanushree born on 21.11.2007 for all purposes allowed by the law.

b) That the minor girl P.Tanushree be entitled to the legal status of a biological child with all the rights of succession and inheritance.

c) That the 1st and 2nd petitioners be permitted to take physical custody of the minor girl P.Tanushree for being taken outside India, outside the Jurisdiction of this Hon'ble Court for being adopted, brought up and maintained by them.

d) That the Regional Passport Office (RPO) concerned be directed to issue passport for the said child/children within ten days from the date of application, as per the provisions of sub regulation 4 of regulations 18 and regulations 38 of Adoption Regulations.

e) That the City Health Officer, Greater Chennai Corporation, R.A Puram, Chennai-28, be pleased to directed to issue Birth certificate for the said minor child P.Tanushree within five working days from the date of application, as per 18(5) and 36 of CARA.

This Original Petition coming on this day before this Court for hearing in the presence of Mr.A.Saravanan..., Advocate for the petitioners herein and upon reading the petition together with the Declaration of



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3. That the Birth Certificate Issuing Authority be and is hereby directed to issue birth certificate for minor girl, P.Tanushree 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 CARA Regulations;

4. That the Regional Passport Office concerned be and is hereby 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.

5. That the petitioners 1 and 2 herein be and are hereby permitted to take the custody of the minor girl P.Tanushree for being adopted, fostered, brought up and maintained by them in U.S.A.

6. That the petitioners 1 and 2 herein be and are hereby also permitted to take the child out of India for being brought up by them in U.S.A.

7. That the minor girl, P.Tanushree shall be adopted by the petitioners



1 and 2 in accordance with the local laws in U.S.A, within a period of one year from the date of this order.

8. That there shall be no costs of this petition.

(Annexure)

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 06th DAY OF JANUARY 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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11.02.2022

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O.P. No.564 of 2021

ORDER :-

Dated: 06.01.2022

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 22.02.2022

APPROVED ON: 23.02.2022

Copy to:

1. The Secretary, Central Adoption Resource Agency, Ministry of Women & Child Dept, West Block VIII, Wing No.1, Second Floor, R.K.Puram, New Delhi.
2. The Secretary, Government of Tamil Nadu, Department of Social Welfare, (Dealing with Child Adoption), Fort St. George, Chennai-600 009.
3. The Directorate of Social Welfare dealing with Child adoption (Behind Old Engineering Building) Chepauk, Chennai 600 005.
4. The Regional Passport Officer, Shastri Bhavan, Chennai-600 006.



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Daughter of M.N.Chokkanna
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Chennai 600128.

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Original Petition praying that this Hon'ble Court be pleased to :

a) That the 1st and 2nd petitioners be appointed as the parents of the person of the minor girl P Tanushree born on 21.11.2007 for all purposes allowed by the law.

b) That the minor girl P.Tanushree be entitled to the legal status of a biological child with all the rights of succession and inheritance.

c) That the 1st and 2nd petitioners be permitted to take physical custody of the minor girl P.Tanushree for being taken outside India, outside the Jurisdiction of this Hon'ble Court for being adopted, brought up and maintained by them.

d) That the Regional Passport Office (RPO) concerned be directed to issue passport for the said child/children within ten days from the date of application, as per the provisions of sub regulation 4 of regulations 18 and regulations 38 of Adoption Regulations.

e) That the City Health Officer, Greater Chennai Corporation, R.A Puram, Chennai-28, be pleased to directed to issue Birth certificate for the said minor child P.Tanushree within five working days from the date of application, as per 18(5) and 36 of CARA.

This Original Petition Coming on this day before this court for

hearing the Court made the following orders:-

This petition has been filed under Section 60 (1) of Juvenile Justice



(Care and Protection of Children) Act, 2015 (As amended by Act 2 of 2016)

and 53, 54 and 55 Adoption Regulations, 2017 read with Clause 17 of the Letters Patent.

2. The second petitioner is the paternal aunt of the minor girl P.Tanushree, who was born on 21.11.2007 to R.Prabhu Srinivasan and P.Bharathi. P.Bharathi divorced her husband R.Prabhu Srinivasan, by virtue of an order passed by the I Additional Family Court dated 11.02.2014 in O.P. No.2582 of 2013, leaving the custody of the minor girl child, P.Tanushree with her husband, R.Prabhu Srinivasan. R.Prabhu Srinivasan also died on 20.06.2021. After his death, the petitioners have now decided to adopt the minor girl P.Tanushree, in whose custody presently the minor P.Tanushree is.

3. The first petitioner is the husband of the second petitioner. The second petitioner is the paternal aunt of the minor girl, P.Tanushree, i.e., her father's sister. The first petitioner is an American by birth, whom the second petitioner is married and out of their wedlock, they have four biological children. The biological mother of the minor girl P.Tanushree viz., P.Bharathi has given her consent for being adopted by the petitioners,



Srinivasan, the biological father of the minor girl, P.Tanushree was suffering from cancer and only due to the said disease, he died on 20.06.2021.

4. In the petition filed in support of O.P. No.564 of 2021, the petitioners have stated that they have love and affection for the minor P.Tanushree and they will take care of her to her best interest in equality with their biological children. They have also stated that they are very affluent and they have sufficient means to bring up, maintain, educate and take care of the minor girl, P.Tanushree after adoption.

5. Before the learned Master, the Power of Attorney holder of the petitioners, S.Ranganathan, who is the grand father of the minor P.Tanushree and the father of the second petitioner, was examined as a witness (P.W.1). In his deposition, he has reiterated the contents of the petition filed in support of O.P. No.564 of 2021. Through P.W.1, the following documents were marked as Exhibits.

<i>Exhibits</i>	<i>Nature of Documents</i>
Ex.P1	Photocopy of the birth certificate of the 2nd petitioner, who was born on 10.07.1977.
Ex.P2	Photocopy of the birth certificate of P.Tanushree, who was born on 21.11.2007.
Ex.P3	Photocopy of the Order dated 11.02.2014 passed in O.P. No.2582 of 2013 by the 1st Additional Family Court,



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<i>Exhibits</i>	<i>Nature of Documents</i>
	Chennai.
Ex.P4	Photocopy of the Aadhar card of the minor P.Tanushree, bearing No.3363 7775 9587
Ex.P5	Photocopy of the passport of the minor Tanushree
Ex.P6	Photocopy of the driving license of the 2nd petitioner
Ex.P7	Photocopy of the Marriage certificate of the 1st and 2nd petitioners
Ex.P8	Photocopy of the consent for the purpose of relative adoption dated 13.04.2019
Ex.P9	Photocopy of the Medical certificate of the minor P.Tanushree dated 10.07.2019.
Ex.P10	Photocopy of the U.S.Citizenship and Immigration granted approval for the petitioners for adoption of minor P.Tanushree
Ex.P11	Photocopy of the Medical Examination Report of minor girl P.Tanushree dated 01.05.2020.
Ex.P12	Photocopy of the special power of attorney dated 20.01.2021 executed by the 1st and 2nd petitioners in favour of the grant father of the minor P.Tanushree.
Ex.P13	Photocopy of the affidavit of the biological father of the minor P.Tanushree namely R.Prabhu Srinivasan.
Ex.P14	Photocopy of the affidavit of the biological mother of the minor P.Tanushree namely P.Bharathi.
Ex.P15	Photocopy of the letter dated 30.01.2021 from the District Child Protection Unit, Chennai to the Secretary, State Adoption Resource Agency
Ex.P16	Photocopy of the family background report of the child and the biological parents in cases of Inter-Country relative adoptions issued by District Child Protection Unit, Chennai
Ex.P17	Photocopy of the Residential Certificate of the biological mother.
Ex.P18	Photocopy of the letter dated 10.03.2021 from Central Adoption Resource Authority to Adopt International and Domestic Service.
Ex.P19	Photocopy of the Medical Certificate of the father of minor P.Tanushree dated 18.03.2021.
Ex.P20	Computer generated death certificate of R.Prabhu Srinivasan, who died on 20.06.2021.
Ex.P21	Consent for adoption affidavit of biological father of minor



<i>Exhibits</i>	<i>Nature of Documents</i>
	P.Tanushree.
Ex.P22	Consent for adoption affidavit of biological mother of minor P.Tanushree.
Ex.P23	Consent affidavit of the biological mother.
Ex.P24	Consent affidavit of the biological father.
Ex.P25	Photocopy of the Aadhar card of the biological father.
Ex.P26	Photocopy of the Aadhar card of the biological mother.
Ex.P27	Photocopy of M.Ranganathan Aadhar card bearing No.6861 2628 8347.
Ex.P28	Photocopy of M.Ranganathan PAN card bearing No.AAEPR6349H.
Ex.P29	Photocopy of the passport of the 1st petitioner.
Ex.P30	Photocopy of the passport of the 2nd petitioner.
Ex.P31	Photocopy of the letter written by minor P.Tanushree.

6. The biological mother of the minor girl, P.Tanushree was also examined as a witness (P.W.2). In her deposition, she has deposed that she is the natural/ biological mother of the minor girl P.Tanushree and only in the interest of the minor, the adoption is being given to the petitioners. She has also expressed her inability to take care of her minor daughter, P.Tanushree, in her deposition. The relationship between the second petitioner and the minor girl, P.Tanushree has also not been disputed in the deposition of P.W.2. As seen from the evidence available on record, the second petitioner is the paternal aunt of the minor girl, P.Tanushree.



witness (P.W.2), has also given her consent through her deposition for the adoption of her minor daughter by the petitioners.

8. All the formalities required for adoption has been duly complied with by the petitioners, as seen from the evidence available on record. The respective documents have been marked as Exhibits.

9. By letter dated 10.03.2021 (Ex.P18), the Central Adoption Resource Authority addressed to Adopt International and Domestic Service, has approved the adoption by the petitioners of the minor girl, P.Tanushree.

10. The Consent Adoption Affidavit of the biological father, R.Prabhu Srinivasan has also been marked as Ex.P21. The said affidavit has been given prior to his death. Both the petitioners are practising Doctors in the United States of America. The Department of Homeland Security, U.S. Citizenship and Immigration Services, has granted its approval on 14.01.2020 through Approval Notice for the adoption of minor girl, P.Tanushree by the petitioners. The said document has been marked as Ex.P10. The relationship of the minor to the second petitioner is also confirmed through Ex.P16. The Power of Attorney Holder for the petitioners is S.Ranganathan, who is non else than the second petitioner's



father and the minor P.Tanushree's grand father.

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11. By her hand written letter, marked as Ex.P31, the minor girl, P.Tanushree has herself stated the difficulties she faced, while she was under the custody of her biological parents. She has also stated that she had a bad childhood, due to the improper care given by her biological parents and due to the suffering of cancer by her biological father during his life time. She has expressed her inclination to be taken care of by the petitioners, as she has stated that they are loving and have always shown affection towards her.

12. After giving due consideration to the pleadings and the evidence available on record, this Court is inclined to grant the reliefs as prayed for by the petitioners in the petition filed in support of O.P. No.564 of 2021 and is ordered as follows:

(a) The first and second Petitioners Mr.Mathew Blair Ellison and Mrs.Pavithra Ranganathan Ellison, wife of Mr.Mathew Blair Ellison, are appointed as parents of the minor girl, P.Tanushree, whose Date of Birth is 21.11.2007.



(b) The prospective adoptive parents, viz., Mr.Mathew Blair Ellison and Mrs.Pavithra Ranganathan Ellison are declared as parents of the said child, P.Tanushree for all purposes allowed by the law and they are allowed to take the minor child to the country of 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;

(c) The Birth Certificate Issuing Authority is directed to issue birth certificate for minor girl, P.Tanushree 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 CARA Regulations;

(d) The Regional Passport Office concerned is 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.

(e) The petitioners 1 and 2 are permitted to take the custody of the minor girl P.Tanushree for being adopted, fostered, brought up and maintained by them in U.S.A..



(f) The petitioners 1 and 2 are also permitted to take the child out of

India for being brought up by them in U.S.A.

(g) The minor girl, P.Tanushree shall be adopted by the petitioners 1 and 2 in accordance with the local laws in U.S.A, within a period of one year from the date of this order.

13. Accordingly, O.P. No.564 of 2021 is allowed. No costs.

Sd./-A.Q.J
06/01/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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