



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 12th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.798 of 2021

In the matter of the Juvenile Justice
(Care and Protection of Children)
Act 2015 And In the matter of a
minor S.Harishwaran born on
16.10.2006 Male, Indian.

1. S.Sankar
S/o. Sabapathi (late)

2. Revathi
W/o. Sankar

Both residing at
No.8, Sivarao Road,
Corporation Big Lane,
Pulianthope, Perambur Barracks,
Chennai 600 012.

1st and 2nd petitioners / Adoptive Parents

3. Deivamoorthy
S/o. Mahalingam (late)

4. Sathya Priya @ Priya
W/o. Deivamoorthy

Both are residing at
No.8/58, 32nd Street,
GKM Colony, Jawahar Nagar,
Chennai 600 082.

...3rd and 4th petitioners/Biological parents



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

WEB COPY

1. that the prospective adoption parents viz (1) S.Sankar S/o. Sabapathi (late) (2) Revath W/o.Sankar, both Hindu residing No.8, Sivarao Road, Corporation Big Lane, Pulianthope, Perambur Barracks, Chennai 600 012 may pleased be given the minor male child namely S.Harishwaran born on 16.10.2006 in adoption and be declared as the parents of the said minor for all purpose allowed by the law.

2. That the Birth Certificate Issuing Authority, The Commissioner, Greater Chennai Corporation, Ripon Building, 1st Floor, Raja Muthiah Road, Kannappar Thidal, Periyamet, Chennai 600 003 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.

This original petition coming on this day before this court for hearing in the presence of M/s.Shaikh Mehrunisa, advocate for the petitioners herein and upon reading the petition together with the Declaration of Willingness of S.Sankar and Revathi, the 1st and 2nd petitioners herein, accepting to be

the adoptive parents of the minor above named, and the other exhibits



therein referred to and upon perusing the evidence adduced therein, and this court observing that the petitioners herein are fit and proper persons to take adoption of the male child and to be the parents of the minor male child

it is ordered as follows:-

That S.Sankar and Revathi, the 1st and 2nd petitioners herein, Both residing at No.8, Sivarao Road, Corporation Big Lane, Pulianthope, Perambur Barracks, Chennai 600 012 be and are hereby appointed as adoptive parents of the minor child S.Harishwaran, whose photograph is duly attested and annexed hereto, as per section 56(1) of the Juvenile Justice (Care and Protection of Children) Act 2015 read with Section 45(2) of Juvenile Justice (Care and Protection of Children) Rules 2016.

2. That the minor S.Harishwaran shall be entitled to the legal status of a biological child with all the rights of succession and inheritance;

3. That the Commissioner, Greater Chennai Corporation, Ripon Building, Chennai be and is hereby directed to issue birth certificate for the minor S.Harishwaran within five working days from the date of application



as per the provisions of Regulation 36 of the Adoption Regulations of
CARA.

(Annexure)

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH
BHANDARI ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 12th 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.



KY

28.01.2022

WEB COPY

5

O.P. No.798 of 2021

ORDER :-

Dated: 12.01.2022

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 19.04.2022

APPROVED ON: 21.04.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 12th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.798 of 2021

In the matter of the Juvenile Justice
(Care and Protection of Children)
Act 2015 And In the matter of a
minor S.Harishwaran born on
16.10.2006 Male, Indian.

1. S.Sankar
S/o. Sabapathi (late)

2. Revathi
W/o. Sankar

Both residing at
No.8, Sivarao Road,
Corporation Big Lane,
Pulianthope, Perambur Barracks,
Chennai 600 012.

1st and 2nd petitioners / Adoptive Parents

3. Deivamoorthy
S/o. Mahalingam (late)

4. Sathya Priya @ Priya
W/o. Deivamoorthy

Both are residing at
No.8/58, 32nd Street,
GKM Colony, Jawahar Nagar,
Chennai 600 082.

...3rd and 4th petitioners/Biological parents

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

1. that the prospective adoption parents viz (1) S.Sankar S/o.



Sabapathi (late) (2) Revath W/o.Sankar, both Hindu residing No.8, Sivarao Road, Corporation Big Lane, Pulianthope, Perambur Barracks, Chennai 600 012 may be given the minor male child namely S.Harishwaran born on 16.10.2006 in adoption and be declared as the parents of the said minor for all purpose allowed by the law.

2. That the Birth Certificate Issuing Authority, The Commissioner, Greater Chennai Corporation, Ripon Building, 1st Floor, Raja Muthiah Road, Kannappar Thidal, Periyamet, Chennai 600 003 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.

This original petition coming on this day before this court for hearing, the Court made the following order:-

This petition has been filed under Section 56(1) of Juvenile Justice (Care and Protection of Children) Act 2015 read with Section 45(2) of Juvenile Justice (Care and Protection of Children) Rules 2016 to permit the petitioners 1 and 2 to take on adoption the minor boy S.Harishwaran, born on 16.10.2006.

2. The petitioners 1 and 2 are having the custody of the minor

S.Harishwaran, born on 16.10.2006 ever since his birth. The minor



S.Harishwaran was born to the petitioners 3 and 4. The 2nd petitioner and the 4th petitioner are sisters. The petitioners 1 and 2, out of the wedlock, do not have any issues and therefore, they are taking the adoption of the minor S.Harishwaran from the biological parents viz., the petitioners 3 and 4.

3. Before the Learned Master, the 1st 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.798 of 2021. Through P.W.1, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Photocopy of the Marriage Invitation of the 1 st and 2 nd petitioners.
Ex.P-2	Computer generated birth certificate in respect of minor, who was born on 16.10.2006.
Ex.P-3	Photocopy of the Invitation dated 16.10.2007 celebrating the 1 st birthday of the minor son by the 1 st and 2 nd petitioners.
Ex.P-4	Photocopy of the Aadhar card of the 1 st petitioner.
Ex.P-5	Photocopy of the Aadhar Card of the 2 nd petitioner.
Ex.P-6	Photocopy of the Aadhar Card of the minor S.Harishwaran.
Ex.P.7	Photocopy of the Family Card
Ex.P.8	Photocopy of the Identity card of the minor child S.Harishwaran given by the seventh day Adventist Matric Higher Secondary School
Ex.P.9	Photocopy of the fee receipt paid in respect of the minor child S.Harishwaran
Ex.P.10	Photocopy of the Medical Fitness of the 1 st petitioner dated 22.09.2021.

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P.11	(series 3 Nos.) are the reference letters given by families.
Ex.P.12	Photograph and birthday photograph of he 1 st and 2 nd petitioners along with minor and CD.
Ex.P.13	Photograph of the minor child with compact disc.
Ex.P.14	Declaration of willingness

4. The second petitioner was examined as a witness (P.W.2) and the fourth petitioner was examined as a witness (P.W.3) and in their deposition they have reiterated the contents of the petition filed in support of O.P.No.798 of 2021 and through P.W3 the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-15	Computer generated birth certificate of D.Yathra, who was born on 30.03.2010.
Ex.P-16	Photocopy of Aadhar Card of Mrs.Sathya Priya @ Priya
Ex.P-17	Consent Affidavit of Mrs.Sathya Priya @ Priya
Ex.P-18	Declaration of Willingness

5. The biological parents viz., the petitioners 3 and 4 have filed their consent affidavits before this Court for giving their consent to petitioners 1 and 2 to adopt their son S.Harishwaran.

6. As seen from the evidence available on record, it is clear that the



minor S.Harishwaran is in the custody of the petitioners 1 and 2 ever since his birth through his biological parents viz., the petitioners 3 and 4.

7. All the statutory formalities for the adoption of minor S.Harishwaran have been duly satisfied by the petitioners including the filing of Schedule – 19 as per CARA guidelines.

8. After giving due consideration to the pleadings and the evidence available on record, this Court is inclined to grant the prayer as sought for by the petitioners 1 and 2.

9. Accordingly, this original petition is allowed and :

(i) The petitioners 1 and 2 are hereby appointed as adoptive parents of the minor child S.Harishwaran whose photograph is duly attested and annexed hereto as per Section 56(1) of Juvenile Justice (Care and Protection of Children) Act 2015 read with Section 45(2) of Juvenile Justice (Care and Protection of Children) Rules 2016.

(ii) The minor S.Harishwaran is entitled to the



WEB COPY

legal status of a biological child with all the rights of
succession and inheritance;

and

(iii) a direction is issued to the Commissioner,
Greater Chennai Corporation, Ripon Building,
Chennai to issue birth certificate for the minor
S.Harishwaran within five working days from the date
of application as per the provisions of Regulation 36
of the Adoption Regulations of CARA.

Sd./-A.Q.J
12.01.2022

//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.