



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 19th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.768 of 2021

In the matter of the Juvenile Justice
Act

And

In the matter of a minor Ranjith
Kumar date of Birth:07.01.2021

1. Varshini Illam Trust,
No.108, 4th Street, AH Block,
Anna Nagar, Chennai 600 040.
Represented by their authorized Person
Mr.Sankar Raj Social Worker

2. Mr.R.Paninathan
S/o.Rajamanikam,

3. Mrs.P.Grace Mary
W/o.R.Paninathan
No.4/185, Elumboor,
Kulamangalam Post,
Madurai.

....Petitioners

Original Petition praying that this Hon'ble Court be pleased to grant
leave to the 2nd and 3rd petitioners to take permanent custody of male
minor child Ranjith Kumar now known as P.Ranjan, whose date of Birth is
07.01.2021 and take the child for being adopted, fostered, brought up and



No.4/185, Elumboor, Kulamangalam Post, Madurai.

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a) that the 2nd and 3rd petitioners R.Paninathan and P.Grace Mary presently residing at No.4/185, Elumboor, Kulamangalam Post, Madurai be appointed as parents of the minor male child Ranjith Kumar now known as P.Ranjan whose Date of birth is 07.01.2021

b) that the prospective adoptive parents may please be declared as parents of the person of the said minor child for all purposes allowed by the law and up bring the child as their own child with the legal status of a biological child with all the rights of succession and inheritance and for all purposes permitted in law.

c) that the Birth Certificate Issuing Authority may please be directed to issue birth certificate for Child Ranjith Kumar now known as P.Ranjan within five working days from the date of application, as per the provisions of sub-regulation(5) of the regulations 18 and regulation 36 of CARA Regulations.

This original petition coming on this day before this court for hearing

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in the presence of M/s.R.Jayasudha Suryanarayanan, advocate for the



petitioners herein and upon reading the petition together with the Declaration of Willingness of Mr.R.Paninathan and Mrs.P.Grace Mary, the 2nd and 3rd 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 Mr.R.Paninathan and Mrs.P.Grace Mary, the 2nd and 3rd petitioners herein, residing at No.4/185, Elumboor, Kulamangalam Post, Madurai. be and are hereby appointed as adoptive parents of the minor child Ranjith Kumar also known as P.Ranjan, 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 and they are permitted to bring up the child as their own child.

2. That the minor Ranjith Kumar also known as P.Ranjan shall be entitled to the legal status of a biological child of the petitioners 2 and 3 with all the rights of succession and inheritance;



3. That the Birth Certificate Issuing Authority be and is hereby directed to issue birth certificate for the minor child Ranjith Kumar also known as P.Ranjan, within five working days from the date of application, as per the provisions of Regulations 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 19th 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.)

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28.01.2022

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O.P. No.768 of 2021

ORDER :-

Dated: 19.01.2022

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 02.02.2022

APPROVED ON: 02.02.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 19th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.768 of 2021

In the matter of the Juvenile Justice
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1. Varshini Illam Trust,
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Represented by thier authorized Person
Mr.Sankar Raj Social Worker

2. Mr.R.Paninathan
S/o.Rajamanikam,

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No.4/185, Elumboor,
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....Petitioners

Original Petition praying that this Hon'ble Court be pleased to grant
leave to the 2nd and 3rd petitioners to take permanent custody of male
minor child Ranjith Kumar now known as P.Ranjan, whose date of Birth is

07.01.2021 and take the child for being adopted, fostered, brought up and

maintained by R.Paninathan and P.Grace Mary presently residing at



No.4/185, Elumboor, Kulamangalam Post, Madurai.

WEB COPY

a) that the 2nd and 3rd petitioners R.Paninathan and P.Grace Mary presently residing at No.4/185, Elumboor, Kulamangalam Post, Madurai be appointed as parents of the minor male child Ranjith Kumar now known as P.Ranjan whose Date of birth is 07.01.2021

b) that the prospective adoptive parents may please be declared as parents of the person of the said minor child for all purposes allowed by the law and up bring the child as their own child with the legal status of a biological child with all the rights of succession and inheritance and for all purposes permitted in law.

c) that the Birth Certificate Issuing Authority may please be directed to issue birth certificate for Child Ranjith Kumar now known as P.Ranjan within five working days from the date of application, as per the provisions of sub-regulation(5) of the regulations 18 and regulation 36 of CARA Regulations.

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



and Protection of Children) Act 2015 (2 of 2016) read with Section 12(2) seeking for appointment of the petitioners 2 and 3 as parents of the minor male child Ranjith Kumar also known as P.Ranjan, whose date of birth is 07.01.2021. They have also sought for issuance of birth certificate for the minor child Ranjith Kumar also known as P.Ranjan as per the provisions of Sub-Regulations (5) of the Regulations 18 and Regulation 36 of CARA Regulations.

2. The 1st petitioner is a registered Child Care Institution, which is having the care and custody of the minor male child Ranjith Kumar also known as P.Ranjan, having date of birth as 07.01.2021.

3. The 1st petitioner is having the requisite statutory licence under the Juvenile Justice (Care and Protection of Children) Act 2015 (2 of 2016), which has been renewed periodically and even though it has got expired on 22.12.2021, learned counsel for the petitioners submits that the 1st petitioner has applied for renewal and it is being processed by the concerned statutory authorities for renewal. The petitioners 2 and 3 seek to adopt the minor child Ranjith Kumar also known as P.Ranjan, whose date of birth is 07.01.2021. The minor child Ranjith Kumar also known as P.Ranjan was



Royapuram at Chennai on 18.02.2021 to the 1st petitioner for their temporary care and protection on 17.02.2021 and the said minor child was declared as legally free for adoption by the Child Welfare Committee, Tiruvallur by its order dated 23.04.2021.

4. The petitioners 2 and 3 were matched for the above minor child through CARA online system and subsequently they were given in foster care by the 1st petitioner on 01.09.2021 to the petitioners 2 and 3, who are taking care of the child very well till now on their own. The petitioners 2 and 3 are not blessed with a biological child and in such circumstances, they have sought to adopt the minor child Ranjith Kumar also known as P.Ranjan.

5. The 2nd petitioner is working as Painting Contractor and having an income of Rs.4,11,250/-p.a as seen from the petition filed in support of OP No.768 of 2021. The 3rd petitioner is a house wife. The petitioners 2 and 3 have pleaded that they have sufficient means to maintain the minor child and they have also undertaken to provide all facilities that are naturally given for a biological child.

6. Before the learned Master, Mr.R.Paninathan/2nd petitioner was



examined as witness (P.W.1). In his deposition, he has reiterated the contents of the petition filed in support of O.P.No.768 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	Original Order passed by the Child Welfare Committee, Tiruvallur dated 17.02.2021.
Ex.P-2	Original Deed of Surrender given by the biological mother dated nil.
Ex.P-3	Original Certificate given by the Child Welfare Committee, Tiruvallur dated 23.04.2021.
Ex.P-4	Online copy of registration acknowledgement letter dated 23.08.2018.
Ex.P-5	Original Home Study Report dated 27.08.2021.
Ex.P-6	Original Child Study Report dated 07.08.2021
Ex.P.7	Original Medical Examination Report of the Child dated 07.08.2021.
Ex.P.8	Original Pre-Adoption Fostercare Undertaking dated 01.09.2021.
Ex.P.9	Photocopy of the extract of Marriage Register dated 25.07.2021.
Ex.P.10	Original Medical Fitness Certificates, along with Laboratory Report, both dated 26.08.2021
Ex.P.11	Online copy of the Income Tax Return Acknowledgement for the assessment year 2020-21 along with attested true copy of the computation of total income as on 31.03.2020.
Ex.P.12	Photocopy of the Aadhar card of the 2 nd petitioner, Paninathan, bearing No.7522 7486 9583
Ex.P.13	Photocopy of the Aadhar card of the 3 rd petitioner Gracemary P, bearing No.8929 5146 2436
Ex.P.14	Photocopy of the PAN card of the 2 nd petitioner R.Paninathan bearing No.ERAPP9288N.
Ex.P.15	Photocopy of the PAN card of the 3 rd petitioner P.Gracemary bearing No.EDVPP63161



<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P.16	Photocopy of the Education Certificate given by Headmaster, Dr.Ambedkar Govt. A.D.W Hr.Sec.School, Nallammalpuram, Tirunelveli District in respect of the 2 nd petitioner.
Ex.P.17	Photocopy of the Transfer Certificate bearing Serial No.258483 issued by the Principal, Sri Meenakshi Govt. College for Women, Madurai in respect of the 3 rd petitioner.
Ex.P.18	Joint Declaration of willingness given by the petitioners 2 and 3.
Ex.P.19	Photograph of minor child Ranjith Kumar now known as P.Ranjan along with compact disc.

7. Mr.K.Sankar Raj, a Social Worker employed with the first petitioner Child Care Institution and also a Power Agent of the 1st petitioner has also been examined as witness (P.W.2). Through P.W.2, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-20	Photocopy of the Trust Deed dated 09.04.2014.
Ex.P-21	Photocopy of the Power of Attorney dated 29.09.2021.
Ex.P-22	Affidavit of Sankar Raj dated 25.11.2021.
Ex.P-23	Photocopy of the Certificate of Recognition given by the Government of Tamil Nadu dated 23.12.2016 along with photocopy of the letter dated 23.12.2016 issued by the Secretary to Government, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu.
Ex.P.24	Photocopy of the letter dated 04.08.2020 sent by the Commissioner of Social Defence, Chennai – 10 to the Secretary, Varshini Illam District, Kancheepuram

<i>Exhibits</i>	<i>Nature of the document</i>
	District.

8. As seen from the evidence available on record, the petitioners have satisfied all the statutory and legal requirements for declaring the petitioners 2 and 3 as the parents of the minor child Ranjith Kumar also known as P.Ranjan, who was born on 07.01.2021 to a minor/unwed mother, who has surrendered the child to the 1st petitioner on 18.02.2021. The minor child was declared as legally free for adoption by the Child Welfare Committee, Tiruvallur by its order dated 23.04.2021 and ever since 01.09.2021, the minor child was under the foster care of the petitioners 2 and 3, who are taking care of the child very well till now on their own. The petitioners 2 and 3 are not blessed with a biological child and in such circumstances, they sought to adopt the minor child Ranjith Kumar also known as P.Ranjan as their own child.

9. The 2nd petitioner is working as Painting Contractor and having an income of Rs.4,11,250/-p.a, which has been confirmed by the Incometax returns, which has been marked as Ex.P.11. The medical examination Report of the child dated 07.08.2021 has been marked as Ex.P.7 which confirms that the child is medically fit for adoption. The original order passed by the Child Welfare Committee, Tiruvallur declaring the child to be



fit for adoption has been marked as Ex.P.1. The original deed of surrender given by the biological mother has been marked as Ex.P.2. The Original certificate given by the Child Welfare Committee dated 23.04.2021 has been marked as Ex.P3. The other documents marked as exhibits entitles the petitioners 2 and 3 to adopt the aforementioned minor child Ranjith Kumar also known as P.Ranjan. The photocopy of the Trust Deed dated 09.04.2014, marked through P.W.2, has been marked as Ex.P.20. The photocopy of the Power of Attorney dated 29.09.2021 has been marked as Ex.P.21. The licence granted to the first petitioner under has got expired on 22.12.2021. The learned counsel for the petitioners submits that the 1st petitioner has applied for renewal and it is being processed by the concerned statutory authority. Regulation 24(4) of the Adoption Regulations, 2017 makes it clear that “ *in case the Specialised Adoption Agency has applied for recognition or renewal with the State Government and the provisional registration certificate has not been issued by the State Government within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional recognition to run the agency for a maximum period of six months.*”

10. Regulation 24(5) also makes it clear that “ *in case the renewal of recognition of a Specialised Adoption Agency is pending, all the pending*



adoption cases shall be allowed to proceed subject to all other provisions of these regulations being fulfilled”.

11. Regulations 24 (4) and (5) also come to the aid of the 1st petitioner as they have applied for renewal which is under processing by the statutory authorities. Further, this petition was filed only when the 1st petitioner's licence was within the validity period.

12. After giving due consideration to the pleadings and the evidence available on record, this Court is inclined to grant the relief sought for by the petitioners 2 and 3 in this petition.

13. Accordingly, this original petition is allowed and :

(i) The petitioners 2 and 3, who are presently residing at No.4/185, Elumboor, Kulamangalam Post, Madurai are hereby appointed as parents of the minor child Ranjith Kumar also known as P.Ranjan 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



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45(2) of Juvenile Justice (Care and Protection of Children) Rules 2016 and they are permitted to bring up the child as their own child.

(ii) The minor Ranjith Kumar also known as P.Ranjan is entitled to the legal status of a biological child for the petitioners 2 and 3 with all the rights of succession and inheritance;

and

(iii) a direction is issued to the Birth Certificate Issuing Authority to issue birth certificate for the minor Ranjith Kumar also known as P.Ranjan 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
19.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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