



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.770 of 2021

In the matter of the Juvenile Justice Act

And

In the matter of a minor Akshit now known as W Sri Nrusimha Advait (male) Date of Birth 01.01.2021.

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.W.Lakshmi Narasimhan Wudali
S/o.W.Venkatanarsu,

3. Mrs.M.B.Geetha Manjusha,
W/o. W.Lakshmi Narasimhan Wudali
Plot No-IV, Padmavathi Street,
Santhosh Nagar, Mogaliwakkam,
Chennai 600 125.

....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 Akshit now known as W Sri Nrusimha Advait, whose date of Birth is 01.01.2021 and take the child for being adopted, fostered, brought up and maintained by Mr.W.Lakshmi Narasimhan Wudali and



Mrs.M.B.Geetha Manjusha presently residing Plot No-IV, Padmavati Street, Santhosh Nagar, Mogaliwakkam, Chennai Tamilnadu 600 125.

a) that the 2nd and 3rd petitioners Mr.W.Lakshmi Narasimhan Wudali and Mrs.M.B.Geetha Manjusha presently residing Plot No-IV, Padmavati Street, Santhosh Nagar, Mogaliwakkam, Chennai Tamilnadu 600 125 be appointed as parents of the minor male child Akshit now known as W Sri Nrusimha Advaith whose Date of birth is 01.01.2021.

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 Akshit now known as W Sri Nrusimha Advaith with in 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.



WEB COPY This original petition coming on this day before this court for hearing 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.W.Lakshmi Narasimhan Wudali and Mrs.M.B.Geetha Manjusha, 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.W.Lakshmi Narasimhan Wudali and Mrs.M.B.Geetha Manjusha, the 2nd and 3rd petitioners herein, presently residing at Plot No-IV, Padmavati Street, Santhosh Nagar, Mogaliwakkam, Chennai Tamilnadu 600 125 be and are hereby appointed as adoptive parents of the minor child Akshit also known as W Sri Nrusimha Advaith, 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 Akshit also known as W Sri Nrusimha Advaith 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 minor child Akshit also known as W Sri Nrusimha Advaith 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

O.P. No.770 of 2021

ORDER :-

Dated: 19.01.2022

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 02.02.2022

APPROVED ON: 02.02.2022



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O.P. No.770 of 2021

In the matter of the Juvenile Justice
Act

And

In the matter of a minor Akshit now
known as W Sri Nrusimha Advaita
(male) Date of Birth 01.01.2021.

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.W.Lakshmi Narasimhan Wudali
S/o.W.Venkatanarsu,

3. Mrs.M.B.Geetha Manjusha,
W/o. W.Lakshmi Narasimhan Wudali
Plot No-IV, Padmavathi Street,
Santhosh Nagar, Mogaliwakkam,
Chennai 600 125.

....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 Akshit now known as W Sri Nrusimha Advaita, whose date of

Birth is 01.01.2021 and take the child for being adopted, fostered, brought



up and maintained by Mr.W.Lakshmi Narasimhan Wudali and Mrs.M.B.Geetha Manjusha presently residing Plot No-IV, Padmavati Street, Santhosh Nagar, Mogaliwakkam, Chennai Tamilnadu 600 125.

a) that the 2nd and 3rd petitioners Mr.W.Lakshmi Narasimhan Wudali and Mrs.M.B.Geetha Manjusha presently residing Plot No-IV, Padmavati Street, Santhosh Nagar, Mogaliwakkam, Chennai Tamilnadu 600 125 be appointed as parents of the minor male child Akshit now known as W Sri Nrusimha Advaith whose Date of birth is 01.01.2021.

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 Akshit now known as W Sri Nrusimha Advaith 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



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 the Juvenile Justice (Care & Protection of Child) 2015 (2 of 2016) read with Regulations 12(2), seeking for the following reliefs.

- a) appointment of the petitioners 2 and 3 as parents of the minor male child Akshit, also known as W Sri Nrusimha Advaith whose Date of birth is 01.01.2021;
- b) the adoptive parents may be declared as parents of the person of the said minor child for all purposes allowed by the law and upbringing 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) the Birth certificate issuing Authority may be directed to issue birth certificate for child Akshit, also known as W Sri Nrusimha Advaith within five working days from the date of application, as per the provisions of sub-regulations(5) of the



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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 Akshit, also known as W Sri Nrusimha Advaith, having date of birth as 01.01.2021.

3. The 1st petitioner is having the requisite statutory licence under the Juvenile Justice (Care and Protection of Child) 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.

4. The minor twins Akshit, also known as W Sri Nrusimha Advaith and Lakshit also known as W Sri Nrusimha Achyuth born on 01.01.2021 were abandoned by their parents at Royapuram, Chennai on 26.02.2021. The said minor children were declared as legally free for adoption by the Child Welfare Committee, Chennai in its order dated 05.07.2021.

5. The petitioners 2 and 3 were matched for the above referred minor



children through CARA online system and subsequently they were given in foster care by the 1st petitioner on 26.08.2021 to the petitioners 2 and 3.

6. The second petitioner is working as Infra Technology Specialist in CTS, Ramanujam IT Park, at Taramani drawing an annual income of Rs.13,00,000/-. The third petitioner is working as Data Engineer in PAY PAL India, Futura Techno Park, Sholinganallur drawing an annual income of Rs.18,00,000/-. The petitioners 2 and 3 have stated that they have sufficient means to maintain the minor children on adoption.

7. Even though both the minor children were given in foster care to the petitioners 2 and 3 by the first petitioner on 26.08.2021, one of the minor children by name Lakshit also known as W Sri Nrusimha Achyuth died on 07.10.2021 despite the second and third petitioners taking care of him very well. The medical records pertaining to both the children after the petitioners 2 and 3 were given in foster care by the first petitioner were also produced to the Child Welfare Committee, Chennai, which is satisfied with the same.

8. In the petition filed in support of O.P.No.770 of 2021, the petitioners have pleaded that all possible medical aid / assistance was given to the minor child Lakshit also known as W Sri Nrusimha Achyuth, but



despite the same, he could not be saved and he died on 07.10.2021. The other twin child by name Akshit, also known as W Sri Nrusimha Advaith is fine and the petitioners 2 and 3 are seeking to adopt him for which they have filed O.P.No.770 of 2021.

9. Before the learned Master, Mr.W.Lakshmi Narasimhan/2nd 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.770 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, Chennai dated Nil.
Ex.P-2	Original certificate given by the Child Welfare Committee, North Zone Chennai dated 02.08.2021.
Ex.P-3	Printout showing registration for adoption with Central Adoption Resource Authority along with e-mail communication dated 26.08.2021 and printout of the status of children availability for adoption.
Ex.P-4	Original Home Study Report dated Nil.
Ex.P-5	Original Child Study Report dated 05.07.2021.
Ex.P-6	Original Medical Examination Report of the child dated Nil.
Ex.P.7	Original Pre-Adoption Fostercare Undertaking dated 26.08.2021.
Ex.P.8	Photocopy of the extract of Marriage Register dated 25.07.2021.
Ex.P.9	Series 2 Nos are the original Physical Fitness Certificates both dated 30.07.2021 in respect of the petitioners 2 and 3.
Ex.P.10	Series 2 Nos are the online copies of the Income Tax



<i>Exhibits</i>	<i>Nature of the document</i>
	Return Verification Forms for the assessment year 2018-2019 in respect of the petitioners 2 and 3.
Ex.P.11	Series 2 Nos are the photocopies of the Aadhaar Cards of the petitioners 2 and 3.
Ex.P.12	Series 2 Nos are the photocopies of the PAN cards of the petitioners 2 and 3.
Ex.P.13	Series 2 Nos are the photocopies of the SSLC Mark sheets of the petitioners 2 and 3.
Ex.P.14	Joint declaration of willingness given by the petitioners 2 and 3.
Ex.P.15	Computer generated death certificate of W.Nrusimha Achyuth @ Lakshit, who died on 07.10.2021.
Ex.P.16	Photocopy of the Certificate dated 07.10.2021 issued by Sairam Multi Speciality Hospital, Chittoor, Andhra Pradesh.
Ex.P.17	Photograph of minor child Akshit now known as W Sri Nrusimha Advaith, along with compact disc.

10. Mr.K.Sankar Raj, a Social Worker employed with the first petitioner Child Care Institution and also Power of Attorney Agent of the 1st petitioner trust, 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-18	Photocopy of the Trust Deed dated 09.04.2014.
Ex.P-19	Photocopy of the Power of Attorney dated 29.09.2021.
Ex.P-20	Affidavit of Mr.Sankar Raj dated --.11.2021.
Ex.P-21	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,

<i>Exhibits</i>	<i>Nature of the document</i>
	Government of Tamil Nadu.
Ex.P-22	Photocopy of the letter dated 04.08.2020 sent by the Commissioner of Social Defence, Chennai - 10 to the Secretary, Varshini Illam District, Kancheepuram District.

11. 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 Akshit, also known as W Sri Nrusimha Advait, who was born on 01.01.2021, who was abandoned by his biological parents. The minor child was declared as legally free for adoption by the Child Welfare Committee, Chennai by its order dated 05.07.2021 and ever since 26.08.2021, 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 and in such circumstances, they sought to adopt the minor child Akshit, also known as W Sri Nrusimha Advait as their own child.

12. The second petitioner is working as Infra Technology Specialist in CTS, Ramanujam IT Park, at Taramani drawing an annual income of Rs.13,00,000/-. The third petitioner is working as Data Engineer in PAY



of Rs.18,00,000/-, which have been confirmed by the Income Tax returns, which has been marked as Ex.P.10. The medical examination Report of the child dated has been marked as Ex.P.6 which confirms that the child is fit for adoption. The original order passed by the Child Welfare Committee, Chennai declaring the child to be fit for adoption has been marked as Ex.P.1. The original certificate given by the Child Welfare Committee, North Zone, Chennai dated 02.08.2021 has been marked as Ex.P.2. The other documents marked as exhibits entitles the petitioners 2 and 3 to adopt the aforementioned minor child Akshit, also known as W Sri Nrusimha Advaith. The photocopy of the Trust Deed dated 09.04.2014, marked through P.W.2, has been marked as Ex.P.18. The photocopy of the Power of Attorney dated 29.09.2021 has been marked as Ex.P.19. The licence granted to the first petitioner 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.

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13. Regulation 24(5) 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*”.

14. The 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.

15. 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.

16. Accordingly, this original petition is allowed and :

(i) The petitioners 2 and 3, who are presently residing at plot No-IV, Padmavati Street, Santhosh nagar, Mogaliwakkam, Chennai, Tamilnadu 600 125 are hereby appointed as parents of the minor child Akshit, also known as W Sri Nrusimha Advait whose photograph is duly attested and annexed hereto



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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.

(ii) The minor Akshit, also known as W Sri Nrusimha Advaith 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 Akshit, also known as W Sri Nrusimha Advaith 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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