



O.P.No.519 of 2022

N.SATHISH KUMAR.J.,

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This original petition has been filed under Sections 56(1) and (2) of The Juvenile Justice (Care and Protection of Children) Act, 2015 read with Regulations 51 and 55 of the Adoption Regulations, praying to give the minor child - D.Amreen, Female, born on 24.02.2011, in adoption to the petitioners 1 and 2 and declare the petitioners 1 and 2 as the parents of the minor child for all purposes allowed by law; and to issue a direction to the Birth Certificate Issuing Authority, Corporation of Chennai, to issue Birth Certificate for the said minor child within five working days from the date of application as provided in Regulation 36 of the Adoption Regulations.

2. The 1st petitioner is the husband of the 2nd petitioner. The petitioners 1 and 2 though got married as early as on 10.07.2011, they have no issues from their marriage. The 2nd petitioner is none other than the maternal aunt of the minor child - D.Amreen, aged about 12 years. The petitioners 3 and 4 are the biological parents of the minor child who was born on 24.02.2011. The petitioners 1 and 2 have decided to adopt the minor child D.Amreen from the petitioners 3 and 4.



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3. It is the case of the petitioners that the petitioners 3 and 4 had been desirous of giving their minor daughter – D.Amreen in adoption to the petitioners 1 and 2. The petitioners took the custody of the minor child in 2013 and have been taking care of the minor child since 2013 onwards and the minor child has been treating the petitioners 1 and 2 as her parents. The petitioners 1 & 2 have already made an application with Central Adoption Resource Agency (CARA) for the adoption of the minor child. The Application reference number is RLTN 202206185185.

4. The 1st petitioner examined himself as P.W.1 while the petitioners 2 to 4 have been examined as P.W.2 to P.W.4. Ex.P.1 to P.17 have been marked. P.W.1 and P.W.2 have spoken about their marriage. They have also stated that they have no issues from the marital relationship and as such they had decided to adopt the minor child D.Amreen from the petitioners 3 and 4. P.Ws.3 and 4 who are the biological parents have stated that they agreed to give their child in adoption to the petitioners 1 and 2 out of free will. Ex.P.1 is the photocopy of the Aadhaar Card of the 1st petitioner. Ex.P.2 is the photocopy of the marriage certificate of prospective adoptive parents. Ex.P.3 is the computer generated birth certificate of minor child - D.Amreen. Ex.P.4 is the photocopy of the bonafide



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certificate dated 06.12.2020 issued by Cambridge Nursery & Primary School in respect of the minor child. Ex.P.5 is the photocopy of the sworn affidavit given by the prospective adoptive mother dated 08.06.2022. Ex.P.6 is the photocopy of the sworn affidavit given by the biological mother dated 08.06.2022. Ex.P.7 is the original consent given by the biological parents and prospective adoptive parents dated 15.07.2022. Ex.P.8 is the photocopy of the consent letter given by the minor child D.Amreen dated 30.07.2022. Ex.P.9 is the photocopy of the affidavit given by the prospective adoptive parents in support of relationship, financial and social status dated 02.08.2022. Ex.P.10 is the photocopy of the affidavit given by the 1st petitioner regarding income. Ex.P.11 is the photocopy of the Pay Certificate of the 1st petitioner. Ex.P.12 is the photocopy of the Employment Certificate of the 1st petitioner. Ex.P.13 (series – 2 Nos.) is the photocopy of the Fitness Certificate of the petitioners 1 and 2 dated 09.06.2022. Ex.P.14 (series – 2 Nos.) is the photocopy of the reference letters in favour of the prospective adoptive parents. Ex.P.15 is the application submitted by the petitioners 1 and 2 through online to CARA. Ex.P.16 is the photocopy of the Family Card of the 2nd petitioner. Ex.P.17 is the photocopy of the Aadhaar Card of the 3rd petitioner. Ex..18 is the photocopy of the Aadhaar Card of the 4th petitioner.



5. The prospective adoptive parents (petitioners 1 and 2), the biological parents (petitioners 3 and 4) and the minor child-D.Amreen have been present.

Earlier they had been present before the Mediation and Conciliation Center attached to this Court. The report received from the Mediation Center would indicate that the minor child is very much attached with the prospective adoptive parents. Today this court had an occasion to see that the minor child is very much affectionate and attached to the prospective adoptive parents. When this court had an interaction with the child she has stated that she feels comfortable with the petitioners 1 and 2 and in fact, she has told that the petitioners 1 and 2 are their father and mother and she has been taken care of by them since she was 2 years old. The oral evidence and the documents produced before this court make it clear that the petitioners had complied with the requirements as required under the Juvenile Justice (Care and Protection) Act and the Act provides adoption of the child by prospective adoptive parents from the relative irrespective of religion, and the petitioners 1 and 2 have already made an application to CARA in this regard, this court is satisfied that the petitioners 1 and 2 have proved their case for adoption and they are to be declared as adoptive parents of minor D.Amreen.



In the result, the petitioners 1 and 2 are hereby declared as adoptive parents of Minor D.Amreen, female, born on 24.02.2011. The petitioners 1 and 2 shall be regarded as parents of the minor child for all purposes allowed by law **the minor child is entitled to the legal status of a biological child with all the rights of succession and inheritance.** The authority competent to issue birth certificate in Corporation of Chennai, is directed to issue birth Certificate for the minor Child referred to above within five working days from the date of receipt of application for birth certificate from the petitioners 1 and 2 as provided in Regulation 36 of the Adoption Regulations.

This Original Petition is ordered accordingly with the above directions.

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