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N.SATHISH KUMAR.J.,

This original petition has been filed under Section 56(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 – Aham Son of Sundari Subramanian, Male, born on 10.03.2015, 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 / Health Officer, 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, who is the natural and biological mother of the minor child S.Aham - born on 10.03.2015 and prospective adoptive parent of the minor child. It is the case of the petitioners that the 1st petitioner has a male child Sharavanan Mathivanan born on 19.03.2006 through his first marriage solemnized on 25.03.1996 which marriage was subsequently dissolved by a decree of divorce dated 28.08.2018 in

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H.M.O.P.No.838 of 2018 on the file of the Additional Principal Family Court, Coimbatore. The wife of the 1st petitioner had relinquished her right on the child and the child has been under the care and custody of the 1st petitioner alone and hence, the court was pleased to order permanent custody. The 2nd petitioner has a male child – Aham through her first marriage solemnized on 24.06.2010 which was subsequently dissolved on 29.10.2020 by a decree of divorce in O.P.No.1118 of 2020 on the file of the V Additional Family Court, Chennai.

3. Both the petitioners 1 and 2 got married and having the custody of both the children born through their respective spouse from the first marriage. For the welfare of the minor children and for proper guardianship, the 1st petitioner decided to take the child born to the 2nd petitioner through her first marriage in adoption and in this regard the 1st petitioner has already uploaded and registered the particulars in the Central Adoption Resource Authority (CARA), Ministry of Women and Child Development, Government of India, on 23.11.2021 vide reference No. Q2021011822665. Hence, this original petition.

4. The respondent is the natural and biological father of the child - Aham,



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who is sought to be adopted. Though he has been made as a party respondent formally, upon notice, though he had entered appearance through one Mr.R.Kannan, Advocate, the vakalathnama filed on behalf of the respondent had been returned by the Registry on 18.08.2023. It seems that thereafter no vakalath has been filed on behalf of the respondent.

5. The 1st petitioner examined himself as P.W.1 and marked Exs.P.1 to P.13 in support of his claim for adoption of the minor child. P.W.1, the 1st petitioner has spoken about this first marriage, difference of opinion with his former wife and dissolution of their marriage. Further, he has also spoken about the dissolution of the first marriage of the 2nd petitioner with the respondent and his application for adoption made to CARA. P.W.1 has asserted that the minor child is already under care and protection. Ex.P.5-Decree dated 28.08.2019 made in H.M.O.P.No.838 of 2018 on the file of the Additional Principal Family court, Coimbatore along with order which has been filed to prove the dissolution of first marriage between the 1st petitioner and his former wife. Ex.P.6-Decree dated 29.10.2020 made in O.P.No.1118 of 2020 by the V Additional Principal Family Court, Chennai which has been filed to prove the dissolution of first marriage of the 2nd petitioner with the respondent. Ex.P.7 is Marriage Registration Certificate

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of the petitioners which has been filed to prove the marriage between the 1st petitioner and the 2nd petitioner. Ex.P.8 is the photocopy of Aadhaar of the 2nd petitioner. Ex.P.9 is the PAN Card of the 2nd petitioner. Ex.P.10 is the computer generated birth certificate of the minor child -S.Aham. Ex.P.12 is the photocopy of the Transfer Certificate of the minor child Aham. Ex.P.11 is a downloaded copy of the application submitted to CARA along with acknowledgement letter. Ex.P.13 is the photocopy of the application for adoption submitted by the petitioners before the Child Welfare Committee. Ex.P.1 is the Aadhaar of the 1st petitioner. Ex.P.2 is the PAN card of the 1st petitioner. Ex.P.3 is the downloaded copy of details regarding the business that is being run by the 1st petitioner. Ex.P.4 is the computer generated GST Registration Certificate issued by the Ministry of Finance, Government of India in the name of the 1st petitioner.

6. The oral evidence and the documents produced before this court would 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.

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7. Considering the fact that the 1st petitioner has already sought permission to adopt the minor child and 1st petitioner after dissolution of his first marriage got married to the 2nd petitioner, the minor child is already under the care and protection of the 1st petitioner, this court is satisfied that the 1st petitioner has proved his case for adoption and in the best interest and welfare of the minor child, the 1st petitioner is to be treated as adoptive father and he is entitled to be declared as adoptive father of the minor child.

In the result, the 1st petitioner is hereby declared as adoptive father of the minor child - Aham, male, born on 10.03.2015. The 1st petitioner shall be regarded as parent 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 1st petitioner as provided in Regulation 36 of the Adoption Regulations.



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This Original Petition is ordered accordingly with the above directions.

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