

Petitioner Vs. Respondents

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Court : Chennai

Decided On : Nov-02-2016

Judge : M.M. Sundresh

Appeal No. : O.P. No. 727 of 2016

Appellant : Petitioner

Respondent : Respondents

Judgement :

M.M. Sundresh, J

1. This petition has been filed under Section 41(6) of the Juvenile Justice (Care and Protection of Children) Act 2000 (as amended by Act 33 of 2006) read with Clause 17 of the Letters Patent to appoint the petitioners as adoptive parents of the person of minor Nagalakshmi.

2. The case of the petitioners in brief is as follows:-

(a) The St. Thomas Mount Babies Home is one of the activities of the Society of Holy Apostles Convent and it was established in the year 1901 for the very purpose of looking after the destitute and abandoned children and provides them with a Home and residential accommodation. The Holy Apostles Convent has been registered under the Juvenile Justice Act under Proc. Roc.No.2008/CW-4/2012 dated 05.02.2015 and the said recognition is valid till 04.02.2020.

(b) The minor child Nagalakshmi, born on 05.06.2016 was surrendered by her unwed mother to the Child Welfare Committee, Thiruvallur on 09.06.2016 and on the same day, the minor child was transferred to the Holy Apostles Convent, St. Thomas Mount Babies Home, Chennai 16. The child was declared as an abandoned child and legally free for adoption by the Child Welfare Committee, Thiruvallur by its order in D.C.C.P. No.05/2016 dated 06.09.2016.

(c) The petitioners got married on 24.06.2001. They have no children. Therefore, they have decided to go in for adoption. They are hale and healthy and do not suffer from any disease or infirmities. The first petitioner is working in Thirupathi Traders at Madurai and his monthly income is Rs.15,000/- plus allowances. The second petitioner is working as a Manager in Selvam Scales at Madurai and her monthly salary is Rs.11,500/-. The petitioners live in a rented house. They have fixed deposits amounting to Rs.1,00,000/- and insurance in LIC for Rs.50,000/-. The petitioners registered with CARA for a child for adoption and they were directed to approach the adoption agency viz., Grace Kennett Foundation Mazhalai Illam, Madurai and they have chosen the minor child through online. The Home Study Report has been approved by CARA and the petitioners approached the St.Thomas Mount Babies Home on 23.09.2016. The petitioners gave their consent and willingness on 23.09.2016 to adopt the minor child Nagalakshmi. The petitioners were having physical custody of the minor Nagalakshmi since 27.09.2016 in view of eventual adoption according to their religious rites and customs. The said minor will be given proper education and a good upbringing with rights of succession and inheritance.

3. Heard the learned counsel appearing for the petitioners.

4. The first petitioner examined himself as P.W.1. In his evidence, he has reiterated what are all stated in the petition. While deposing, he marked 9 documents as Exs.P1 to P9. Ex.P1 is the original home study report dated 26.09.2016. Ex.P2 series are the school record sheet in respect of the 1st petitioner and higher secondary school certificate in respect of the 2nd petitioner dated issued on 23.05.2007 and 31.05.2000. Ex.P3 is the original wedding invitation card of the petitioners dated 24.06.2001. Ex.P4 series are the original health

certificates dated 24.09.2016 and 24.05.2016 in respect of the petitioners. Ex.P5 series are the original salary certificates of the petitioners dated 26.09.2016. Ex.P6 series are the original recommendation letters in respect of the petitioners dated 26.09.2016. Ex.P7 is the photocopy of the Voter I.D. Card of the 1st petitioner dated 31.12.2014. Ex.P8 series are the photocopies of the PAN Cards of the petitioners. Ex.P9 is the original declaration of willingness given by both the petitioners dated 23.09.2016 to act as adoptive parents.

5. The Secretary of Holy Apostles Convent and Superintendent of St.Thomas Mount Babies Home, was examined as P.W.2 and while deposing, P.W.2 marked 5 documents as Exs.P10 to Ex.P14. Ex.P10 is the photocopy of the Child Welfare Committee order dated 09.06.2016 regarding transfer of the minor child Nagalakshmi. Ex.P11 is the photocopy of the Child Welfare Committee order dated 06.09.2016. Ex.P12 series are the original child study report and medical report dated 23.09.2016. Ex.P13 is the photograph of the minor child Nagalakshmi along with Compact Disk. Ex.P14 is the photocopy of the Certificate of Registration under Juvenile Justice Act dated 05.02.2015.

6. P.W.2 had given evidence to the effect that adoption of the child concerned in this case by the petitioners would be in the best interest and welfare of the minor child itself.

7. The materials placed before this Court definitely show that the minor child is an abandoned child and her welfare definitely deserves the petitioners being appointed as adoptive parents and being given to them as their adoptive child. I am satisfied that it will be most beneficial to the minor child, if the petitioners are appointed as the adoptive parents.

8. Accordingly, this original petition is ordered as prayed for and the petitioners are hereby appointed as adoptive parents of the minor child Nagalakshmi, whose photograph is duly attested and annexed hereto, as per Section 41(6) of the Juvenile Justice Act of 2000 as amended by Act 33 of 2006 and the minor child Nagalakshmi is entitled to the legal status of a biological child with all the rights of succession and inheritance.