

IN THE XVII ASSISTANT CITY CIVIL COURT AT CHENNAI**Present : Thiru.N.Suresh, M.L.,****XVII Assistant Judge,****Thursday, the 16th day of July, 2026****O.S.No.6616/2024****CNR.No.TNCH01-029910-2024**

S. Thulasiraj,
S/o. Saravanan,

.....Plaintiff

/Vs/

1. Mangaiarakarasi,
W/o. Saravanan,

2. Saravanan,
S/o. Raji,

.... Defendants

This suit came up on 02.07.2026 for final hearing before me in the presence of M/s. D. Ashok Kumar, M. Janani, T. Suvalakshmi and K.R. Harish, Counsel for Plaintiff and of M/s. A.R. Manikandan, V. Priyadharshini, M. Ganesh Kumar and R.S. Manoj Kumar, Counsel for the defendants and after hearing the arguments of both side and upon perusal of the records, documents and having stood over for consideration till this day, this court delivers the following:

JUDGMENT

The suit has been filed for declaration to declare that the plaintiff is a adopted son of the deceased Geetha based on the adoption deed dated 18.04.2014.

The brief facts stated in the amended plaint are as follows :

2. The defendants 1 and 2 are the biological parents of the plaintiff. The 1st and 2nd defendants married on 11.12.1995 as per the Hindu rites and customs. The defendants 1 and 2 have two children namely Monisha and Thulasiraj, the plaintiff herein. The female child was born on 10.10.1996 and male child was born on 28.11.2000. The 1st defendant's sister is Geetha. The said Geetha was working as a Senior Assistant in IIT Madras and she was unmarried. Since, the said Geetha was unmarried and she had no one to take care of her, she was desirous to adopt a child. Thereafter, the said Geetha due to love and affection towards the plaintiff adopted him as a son. The 1st and 2nd defendants being biological parents also have given consent for the said adoption. Due to the difference of opinion between the 1st and 2nd defendant and her sister Geetha, the 1st defendant separated from the plaintiff and the 2nd defendant. Thus, the said Geetha took care of the plaintiff as a son since 10.06.2013. Thereafter, in respect of adoption, adoption deed dated 18.04.2014 was executed between the said Geetha and the defendants. Thereafter, the plaintiff was brought by the said Geetha as a son and the said Geetha died on 31.12.2023. But, she only brought up the plaintiff and plaintiff completed his Bachelor of Engineering. Since, the said Geetha was affected with cancer, she was also executed Will dated 06.11.2023 and registered the same. The said Geetha also during her life time filed a suit in respect of adoption on 20.12.2023 and when the said suit was pending before the registry, the said Geetha died on 31.12.2023 and the plaintiff as her son did all the last rituals. Thus, it is necessary to declare that the plaintiff is the adopted son of deceased Geetha based on the adoption deed dated 18.04.2014. Hence, this suit.

The brief facts as stated in the written statement are as follows:-

3. The averments made in the plaint are admitted by the defendants. The plaintiff filed the present suit to declare that he is a adopted son of deceased Geetha. The plaintiff is the son of the defendants 1 and 2 and the deceased Geetha is the own sister of the 1st defendant. The said Geetha during her life time filed a suit on 20.12.2023

for the same relief. But, when the matter was under scrutiny, she died on 31.12.2023. Thus, the defendants prayed for decreasing of the suit.

4. On considering the pleadings on either side, the following issues were framed for trial:

- I. Whether the plaintiff is the adopted son of deceased Geetha ?
 - ii. Whether the plaintiff is entitled for declaration as prayed for ?
 - iii. To what other relief, the plaintiff is entitled ?
5. On the side of the plaintiff, the plaintiff was examined as PW1 and Ex.A1 to A8 were marked. No oral or documentary evidence produced on the defendants side.

Issue Nos. 1 and 2:

6. This present suit has been filed by the plaintiff to declare that he is an adopted son of Deceased Geetha.
7. It is the contention of the counsel for the plaintiff that the plaintiff is the son of the 1st and 2nd defendant. One Geetha is the sister of the 1st defendant and she did not get married. The 1st and 2nd defendant had two children namely Monisha who born on 10.10.1996 and the plaintiff herein born on 28.11.2000. It is the contention of the counsel for the plaintiff that since the 1st defendant's sister Geetha was unmarried, she adopted the plaintiff on 10.06.2013 and also subsequently made adoption deed dated 18.04.2014. Thus, it is the claim of the plaintiff that since the plaintiff was given adoption by the biological father and mother, the defendants herein to the sister of the 1st defendant namely Geetha, the plaintiff is the adopted son of the said Geetha who died on 31.12.2023.
8. The plaintiff produced the marriage invitation between the 1st and 2nd defendant in Ex.A1. On perusal of the said marriage invitation, it is found that the 1st and 2nd defendant married on 11.12.1995. The plaintiff also produced the birth certificate in Ex.A2 which shows that the plaintiff born on 28.11.2000 and his father name is Saravanan, the 2nd defendant herein and the mother name is Mangaiyarkarasi, the 1st

defendant herein. Thus, it is clearly proved by the plaintiff that his biological father and mother are the defendants herein.

9. The plaintiff also produced the copy of the aadhar card of the 1st defendant in Ex.A5 which shows that the 1st defendant's husband's name is Saravanan, the 2nd defendant herein. The plaintiff also produced the voter identity card in Ex.A6 which shows that the father name of the plaintiff is Saravanan, the 2nd defendant herein. Thus, there is no dispute with regard to the relationship between the plaintiff and the defendants and the said Geetha.

10. But, the plaintiff claims that the said Geetha who is the sister of the 1st defendant adopted the plaintiff on 10.06.2013. The plaintiff also produced the identity card of the said Geetha in Ex.A4. As per the said identity card, the said Geetha born on 20.03.1974. The plaintiff also claims that the said Geetha herself filed a suit to declare that the present plaintiff is her son and while the said suit was under scrutiny before the registry, she died on 31.12.2023. The plaintiff also produced the original returned plain in Ex.A7. On perusal of the said plaint, it is found that the said Geetha and the present plaintiff has filed a suit against the present defendants for declaration to declare that the present plaintiff is the son of the 1st plaintiff. On perusal of the said plaint, it is found that the said suit was filed on 20.12.2023. The present plaintiff stated in the pleadings that the said Geetha died on 31.12.2023. Thus, the said plaint makes it clear that during her lifetime of the said Geetha itself, she filed a suit to declare that the plaintiff is her adopted son.

11. The plaintiff also produced the unregistered deed of adoption dated 18.04.2014 in Ex.A3. On perusal of the deed of adoption, it is found that the said Geetha and the defendants herein executed an adoption deed whereby the plaintiff was given in adoption by his biological parents, the defendant herein and the said Geetha taken adoption of the plaintiff herein. It is an undisputed fact that the said Adoption Deed is an unregistered document. But, as per Section 17 of the Registration Act, 1908, registration of Adoption deed is not made compulsory. But, the said adoption deed

makes it clear that the biological parents given adoption of their son to Geetha.

12. It is also relevant to consider the fact that at the time of the execution of the deed of adoption dated 18.04.2014, the age of Geetha was 40 years and the age of the plaintiff was 14 years as stated in the adoption deed.

13. The plaintiff also produced Registered Will dated 16.11.2023 in Ex.A8 said to have been executed by the said Geetha thereby bequeathing her property in favour of the plaintiff herein as her son. The defendants 1 and 2 who are the biological parents though despite receipt of summons and filed written statement did not object the claim made by the plaintiff. But, on the other hand, the defendants 1 and 2 in their written statement admitted the fact that the plaintiff is the adopted son of deceased Geetha. But, it is relevant to consider the provisions of Hindu Adoptions and Maintenance Act, 1956 Section 6 of the Hindu Adoptions and Maintenance Act states about the requisite of a valid adoption.

14. As per the said Section, the person adopting, the person giving in adoption and the person adopted must have capacity to do so. In the case on hand, the person adopting, the person giving in adoption and person adopted have got the capacity to do so. As per the section 8 of the Hindu Adoption and Maintenance Act, any female Hindu who is sound of mind and is not a minor has the capacity to take a son or daughter in adoption and if she has a husband living, she shall not adopt a son or daughter except with the consent of her husband. But, in the case on hand, the said Geetha who adopted the plaintiff was not minor and so the question of said Geetha has to get consent from husband does not arise. It is also not in dispute that the said Geetha at the time of taking adoption is of sound mind and major. Thus, the said Geetha has every right to take adoption of the plaintiff.

15. As per the section 9 of the Hindu Adoption and Maintenance Act 1956, the father and mother only have the capacity to give adoption of the child. But, in the case on hand, the 1st and 2nd defendants are the biological parents and the plaintiff who is given in adoption is their son. The plaintiff who was given in adoption also

had capacity to rule in adoption. At the time of adoption, he was aged about 14 years and not adopted earlier by anyone. Thus, the person who is given in adoption also satisfied the requirement under the Hindu Adoptions and Maintenance Act, 1956.

16. It is also relevant to consider Section 11 (4) which states that if the adoption is by a female and the person to be adopted is a male, the adoptive mother is atleast twenty one years older than the person to be adopted. In the case on hand, at the time of adoption, the said Geetha was aged about 40 years, and the plaintiff was aged about 14 years. Thus, there is a clear age difference of more than 21 years as prescribed under section 11(4)(b) of Hindu Adoptions and Maintenance Act, 1956.

17. Thus, the adoption which was taken on 18.04.2014 is completed of the requirements as stipulated under the Hindu Adoptions and Maintenance Act, 1956. Thus on considering all the above, this court has come to the conclusion that the adoption made on 18.04.2014 is valid in law and as per the said adoption, the plaintiff became the adopted son of Geetha who died on 31.12.2023. Thus, for the reasons as discussed above, this court has come to the conclusion that the plaintiff is entitled to the relief and accordingly the issues 1 and 2 are answered in favour of the plaintiff.

Issue. No.3.

18. In view of the findings arrived in issue Nos. 1 and 2, the plaintiff is entitled to the relief of declaration as prayed for. On considering the relationship between the parties, the parties are directed to bear their own costs.

19. In the result, the suit is decreed by declaring that the plaintiff is an adopted son of deceased Geetha based on the adoption deed dated 18.04.2014. No costs.

Dictated to the Steno-typist transcribed, typed by her, corrected and pronounced by me in open court on this 16th day of July 2026.

XVII Assistant Judge,
City Civil Court, Chennai.

Plaintiff Side Witnesses:

PW1- S. Thulasiraj (Plaintiff)

Plaintiff side exhibits:

S.No.	Date	Particulars of Document
Ex.A1	11.12.1995	Marriage invitation of the 1 st and 2 nd defendant
Ex.A2	28.11.2000	Birth certificate of the plaintiff (Original)
Ex.A3	18.11.2014	Deed of adoption executed between the 1 st plaintiff and 2 nd defendant with the 1 st defendant (Original)
Ex.A4		Copy of the identity card of the deceased Geetha
Ex.A5		Copy of the aadhar card of the 1 st defendant
Ex.A6		Copy of the voter identity card of the plaintiff
Ex.A7		Original suit with S.R. No. 19009/2023 filed by deceased Geetha
Ex.A8	06.11.2023	Will executed by the deceased Geetha (Original)

Defendant side witnesses and Documents : Nil

XVII Assistant Judge,
City Civil Court, Chennai.

Fair/Draft Judgment

O.S.No.6616/2024

Date: 16.07.2026

XVII Assistant Court