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Exh:20

IN THE COURT OF 08TH ADDITIONAL CIVIL JUDGE AT- MAHESANA
REGULAR CIVIL SUIT NO. 80 of 2025

1. Prajapati Vimalkumar Ramanlal,
Age: 48 years, Occupation: Service,
2. Prajapati Sharmishthaben Vimalkumar,
Age: 42 years, Occupation: Housework,
Both R/o. 55, Adityanagar Society, Opp. Nirma Factory,
Modhera Road, At Mahesana, Tal. & Dist. Mahesana.

.....PLAINTIFFS

Versus

1. Prajapati Harshadkumar Ramanlal,
Age: 50 years, Occupation: Service,
Residing At – Ambajiwala Vas, Nugar, Tal & Dist. Mahesana
2. Prajapati Minakshiben Ramanlal,
Age: 47 years, Occupation: Housework,
Both R/o. 55, Adityanagar Society, Opp. Nirma Factory,
3. The Municipal Commissioner,
Mahesana Mahanagar Palika Office,
At Mahesana, Tal. & Dist. Mahesana.

..... DEFENDANTS

Ld. Advocate A.A. Prajapati for the plaintiffs.

Ld. Advocate R.R. Mistri for the Defendant Nos.1&2.

:JUDGEMENT:

1. The present suit is filed by the plaintiffs for declaration and permanent injunction. The brief facts of the plaint are as under:

1.1. It is the case of the plaintiff that the plaintiff no.1 is married to plaintiff no.2 since last 30 years but, due to certain reasons they do not have any child during their married life. The defendants are brother and sister-in-law of the present plaintiff and in their married life they have two children, their first son is named **Harsh** and second son named **Siddh**, whose ages are 22 years respectively.

1.2. As the plaintiffs are not with any legal heirs or child they have adopted defendants' son Siddh and accepted him as their owned son. The adoption deed was done by them on 27.07.2023 with agreement No.13151. Due to the above mentioned arrangement the plaintiffs are legal parents of their son Siddh and have performed all the necessary duties which have to be performed by parents. The present suit is filed as Siddh, plaintiffs' son gave 12th board examination in the year 2020 and in that leaving certificate was granted to him but in the school records the father of plaintiffs' son Siddh is shown as Prajapati Harshadbhai. As the son was adopted by the plaintiffs now the plaintiffs want to change father's name in the school leaving certificate provided by the school. Therefore, the present suit has been filed by the plaintiffs.

The plaintiffs have sought the following reliefs;

- (i) The Court declared that as per the adoption deed signed on 27.07.2023 with registration No.13151/2023 declared that Siddh's legal father is plaintiff no.1 Prajapati Vimalkumar Ramanlal.
- (ii) The defendant no.4 i.e., the school S.V. Shah Vidhyavihar, Mahesana changed the name of Siddh's father in the school records from Prajapati Siddh Harshadkumar to Prajapati Siddh Vimalkumar and also gave necessary school leaving certificate to the

plaintiff. The Court issued summons to the defendants. The defendant nos.1 and 2 filed their written reply vide Exh.06, defendant no.4 filed his written reply vide Exh.07, defendant no.3 filed his written reply vide Exh.09.

2. The defendants in the case was issued notice and they appeared through their Ld. Advocate. Defendant nos.1 and 2 in their written reply have stated that the plaintiffs not have any child in their marriage, therefore, as the defendant no.1 is brother of plaintiff, defendant nos.1 and 2 son Siddh was adopted by the plaintiffs and his adoption deed was also signed by all the parties. They have further mentioned that the plaintiff is completing and fulfilling all the duties necessary as parents of Siddh.

Reply of Defendant No.3.

3. The defendant no.3 is Sub-Registrar/Officer of Mahesana Mahanagar Palika. In the reply the officer has stated that as per the records, the plaintiffs' son was born on 04.03.2003 and as per that there was entry done in the records with no.1423 and for the same birth certificate was given by the Mahesana Mahanagar Palika. The defendant no.4 filed his reply vide Exh.07. In the reply he stated that they are junior clerk at S.V. Shah Vidyavihar, Mahesana. The plaintiffs' son Siddh was studying in the school till 12th standard and as per the school records G.R. number is 13216 and in the year 2020, he gave 12th board examination and after that he was issued school leaving certificate no.307.
4. The Court framed issues vide Exh.11 in the present case which are as follows;

ISSUES

1. Whether the plaintiffs proves that they have adopted Prajapati Siddh from the defendants no. 1 & 2 as per law?
2. Whether the plaintiffs proves that name of Plaintiff no.1 is to be added as father in the school leaving certificate?
3. Whether the plaintiff proves that they entitled for the declaration as prayed for?
4. Whether the suit is barred by any law?
5. Whether the plaintiff is entitled for relief as prayed for?
6. What order and decree?

5. My findings on above referred issues are as under:

1. *In the affirmative*
2. *In the affirmative*
3. *In the affirmative*
4. *In the negative*
5. *As per final order.*
6. *As per final order.*

6. The plaintiffs produced the following documentary evidence;

DOCUMENTARY EVIDENCE

Sr. No.	Particulars	Exhibit
1.	True copy of the adoption deed between the plaintiffs and defendant nos.1 &2.	16
2.	True copy of birth certificate of plaintiffs' son Siddh.	17
3.	True copy of school leaving certificate of plaintiffs' son Siddh.	18

7. The advocate of Plaintiff vide exhibit-19 submitted a closing pursis in the suit.

8. The defendants submitted the following evidences in support of their written statement and the issues framed:

DOCUMENTARY EVIDENCE

Sr. No.	Particulars	Exhibit
1.	True copy of general register.	08
2.	True copy of birth and death register.	10

-: REASONS: -

9. In the case while appreciating entire oral as well as documentary evidence on record and issues as framed and while considering the provisions envisaged under Section 101, 102 and 103 of Indian Evidence Act, issues are required to be proved

by the plaintiffs and once the plaintiffs will discharge their burden of proof, then only the onus will shift on the defendants.

ISSUE NOS.1, 2 & 3.

10. The plaintiffs in the present case have adopted their son Siddh from defendant number 1 and 2, which is brought on record by adoption deed which is produced by them vide Exh.16, in which, considering the deed, it has been mentioned that the son was adopted by the laws of Hindu Adoption and Maintenance Act, 1956, and the signatures of plaintiffs can be clearly seen in the adoption deed along with other relevant documents. The court places reliance on Section 16 of Hindu Adoption and Maintenance Act which deals with the presumption of registered document relating to adoption which is as follows;

"Whenever any document registered under any law for the time being in force is produced before any court purporting to record an adoption made and is signed by the person giving and the person taking the child in adoption, the court shall presume that the adoption has been made in compliance with the provisions of this Act unless and until it is disproved."

The word used in the above mentioned provision are shall presume, hence it connotes to the court that the court is bound to presume the authenticity of the registered adoption deed till it is disproved by the other side. Considering the evidence on record, there is no rebuttal evidence produced by the defendants of the case which tells the court that the adoption deed was not legal. Therefore, the court has to assume that the adoption deed is executed as per the provisions of Hindu Adoption Act.

11. The plaintiffs have also produced the school leaving certificate vide exhibit 18 which was given by the S.V. Shah Vidyavihar Mahesana in which full name of the student is shown as Prajapati Shiddh Harshadbhai. Further, the plaintiffs also have produced the birth certificate of his son, vide exhibit 17, in which the name of father is clearly shown as Vimalkumar Prajapati. The court in this instance has also

look into Gujarat Secondary Education Regulation Rules 1974, Section 12(a)(6), in which it has been clearly stated that after a student leaves school, in their school leaving certificate name, surname, religion, caste and birth date cannot be changed by the school and only by order of the relevant court. Further, the court also has relied upon judgment of Hon'ble Gujarat High Court **GLR 2008 1884, 2008 1 GLH page No.9**, in which also the court has stated that after concluding necessary evidence, only the court who has jurisdiction to grant amendment in the school leaving certificate, can do it through a court order. Considering the above, looking at the birth certificate and the school leaving certificate, the discrepancy in the father's name can clearly be seen by the court. It is essential for the plaintiff's son to have all the relevant legal documents, showcase that plaintiff number 1 is the father, so as to conduct any further government works smoothly.

12. The plaintiff has produced the adoption deed, school leaving certificate, birth certificate, which is in accordance with the provisions of Hindu Adoption Act and Civil Laws, which allows the court to grant necessary declaration as per the Specific Relief Act.

ISSUE NUMBER 4

13. The present suit is not barred by any law, as the suit is governed by the provisions of specific relief act. The court is convinced in the present case that as the adoption deed is valid as per the law of Hindu Adoption Act, the plaintiff is entitled to get relief as prayed for.

ISSUE NO.5 & 6

14. Issue No.5 is in respect of what order and decree requires to be passed. Considering the facts and circumstances of the case and as discussed, the plaintiffs are entitled to the reliefs as prayed for in their plaint. Hence, I answer issue nos.1, 2 & 3 in positive and issue no.4 in negative and with regards to issue no.5 & 6, in the interest of justice, I pass following final order:

:- ORDER :-

- I. The present suit is hereby allowed of the plaintiffs.
- II. It is hereby declared that the plaintiff no.1, Mr. Prajapati Vimalkumar Ramanlal has become the lawful father of **Siddh** through the registered adoption deed executed on 27.07.2023 and accordingly Siddh has become lawful son of the plaintiffs.
- III. It is further declared that the plaintiff Mr. Prajapati Vimalkumar Ramanlal is entitled to have his name as father of **Siddh** in various records and documents pertaining to **Siddh** such as school records and other government records.
- IV. The Court hereby directs defendant no.4 Principal, Shri S.V. Shah Vidhyavihar, Mahesana to make change in the school leaving certificate of Siddh and change the father's name to **Prajapati Vimalkumar**.
- V. The parties of the suit bear his own costs of the suit.
- VI. Decree be drawn accordingly.

Pronounced in Open Court today on the 07th day of March, 2026 at Mahesana.

Date: 07/03/2026

Place: Mahesana

(P.N.Purani)

08th Add. Civil Judge, Mahesana

JO Code GJ 01737