



Form No. 9 (Civil) Title
Sheet for Judgment in
suits (R P 91)

GOVERNMENT OF KARNATAKA
TITLE SHEET FOR JUDGMENT IN SUITS

**IN THE COURT OF THE PRL. CIVIL JUDGE AND J.M.F.C.,
AT GOWRIBIDANUR**

Dated this 28th day of March 2026

:: PRESENT ::

SRI. GANESHA.N

M.A., L.L.B.,

**Prl. Civil Judge and J.M.F.C.,
Gowribidanur**

ORIGINAL SUIT NO.379/2025

Plaintiff/s :

Smt. Rathnamma
W/o Late. G.Siddalingaiah,
Aged about 42 years,
R/at Yidaguru village,
Kasaba Hobli,
Gowribidanur Taluk,
Chikkaballapura District.

(Rep. by Sri. Naresh.K, Advocate)

// Versus //

Defendant/s :

1. Sri. Nagesh.K
S/o kadirappa,
Aged about 40 years,
R/at Yidaguru village,
Kasaba Hobli,



Gowribidanur Taluk,
Chikkaballapura District.

- 2.** Smt. T.N.Rathnamma
W/o Nagesha.K
Aged about 34 years,
R/at Yidaguru village,
Kasaba Hobli,
Gowribidanur Taluk,
Chikkaballapura District.
- 3.** The Chief Secretary,
Govt. of Karnataka,
Vidhanasoudha,
Bangalore.
- 4.** Deputy Director of Public Inspector,
Chikkaballapura District,
Chikkaballapura.
- 5.** The Block Education Officer,
Govt. of Karnataka,
Gowribidanur Taluk,
Chikkaballapura District.
- 6.** The Principal,
B.G.S Public School,
Sai Mandira Road,
Gowribidanur Town,
Chikkaballapura District.
- 7.** The Head Master
Govt. Higher Primary School,



Yidaguru village,
Kasaba Hobli,
Gowribidanur Taluk.

8. The Head Master,
Janodaya Nursery and Primary
School,
Vidhyanagara, Karekallahalli village,
Kasaba Hobli,
Gowribidanur Taluk.

**(Rep. by Sri.N.N, Advocate for
defendant Nos.1 and 2,**

**Learned A.G.P for defendant Nos.4,
5 and 7**

**Defendant Nos.3, 6 and 8 are placed
ex-parte)**

Date of institution of the suit : 01.07.2025

Nature of the suit : Declaration

Date of the commencement of
Recording of the evidence : 25.03.2026

Date of which the judgment
was Pronounced : 28.03.2026



Total Duration : Year/s Month/s Day/s
-- 08 27

(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.

J U D G M E N T

The plaintiff has instituted the instant suit against the defendants seeking relief of a declaration to declare that she and her deceased husband namely late G. Siddalingaiah are the adoptive parents of minor Kumari. Prarthana Y.N. by virtue of the registered adoption deed dated 19.12.2017.

THE PLAINTIFF'S CASE IN COMPENDIOUS:

2. The plaintiff is a Hindu woman and is now a widow and her husband late G. Siddalingaiah has since died. The defendant Nos.1 and 2 are the natural parents of a female child by name Prarthana Y.N., born in the year 2017 and they are residents of Yidaguru Village, Gauribidanur



Taluk and they belong to a poor family and were unable to look after themselves and the child. In those circumstances, the plaintiff took care of the minor child with love and affection. Thereafter, with the consent of defendant Nos.1 and 2, the child was given in adoption to the plaintiff and a registered adoption deed dated 19.12.2017 came to be executed in accordance with Hindu rites and customs. Subsequently, the plaintiff approached the concerned educational authorities for entering her name in the educational records of the child as adoptive mother. However, defendant No.5 issued an endorsement dated 05.11.2024 stating that he had no jurisdiction to make such entry and that the plaintiff should approach the competent civil court for a decree which constrained the plaintiff to institute the present suit for declaration.

3. On service of summons, defendant Nos.1 and 2 appeared through counsel. The defendant No.1 filed an



affidavit before the Court stating that defendant Nos.1 and 2 have no objection for decreeing the suit.

4. The defendant Nos.4, 5 and 7 appeared through the learned AGP. The defendant No.5 filed written statement, which came to be adopted by defendant Nos.4 and 7. The defendant Nos.3, 6 and 8, though served, remained absent and were placed ex parte.

5. The defendant No.5 in his written statement contended that the suit is not maintainable, it is devoid of cause of action, the plaintiff has to strictly prove the plaint averments, defendant No.5 has no jurisdiction to alter the educational records and enter the plaintiff's name as adoptive mother, and the suit is bad for non-compliance of Sections 79 and 80 of the Code of Civil Procedure. Hence the defendant No.5 prayed to dismiss the suit with exemplary costs.



6. Having regard to the pleadings and other materials on records this Court has framed the following:

ISSUES

1. Whether the plaintiff proves that she and her husband Late. G.Siddalingaiah are parents of Prarthana Y.N as per adoption deed dated 19.12.2017?
2. Whether plaintiff is entitled for declaration as sought for?
3. What order or decree?

7. In order to prove her case, the plaintiff herself was examined as PW1 and Exs.P1 to 9 documents got marked. The defendants have not led their evidence.

8. Heard arguments advanced by the learned counsel for the plaintiff and learned AGP. Having heard arguments and having perusal of entire materials on record, this Court answered Issue Nos.1 and 2 in the **Affirmative** and Issue No.3 as per the final order for the following:



REASONS

9. ISSUE NO.1: Contending that no indulgence was shown by the defendant No.5 for her request to enter her name as adopted mother in the educational records of her adopted child namely Prarthana Y.N and complaining that issuance of endorsement to the effect that to approach the Court of law is illegal, the plaintiff has instituted the present suit for declaration.

10. The P.W.1 in his examination-in-chief has recapitulated the averments of plaint. Exs.P.1 to 9 documents got marked. The entire claim of the plaintiff rests upon the plea that the minor girl Prarthana Y.N. was given in adoption by her natural parents, namely defendant Nos.1 and 2, and that the same was reduced into writing under a registered adoption deed dated 19.12.2017.

11. The most material document relied upon by the plaintiff is Ex.P1, the registered adoption deed dated



19.12.2017. A registered document recording adoption, signed by the person giving the child and the person taking the child in adoption, carries a statutory presumption under Section 16 of the Hindu Adoptions and Maintenance Act, 1956 which reads 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 Court is required to presume that the adoption has been made in compliance with the provisions of the Act, unless and until such presumption is disproved. The Act also recognizes the capacity of a Hindu female, including a widow in the circumstances contemplated by law, to take a child in adoption, and an adopted child is deemed to be the child of the adoptive parent for all purposes from the date of adoption.



12. In the present case, Ex.P1 is not a mere unregistered or private writing. It is a registered instrument. There is nothing on record to show that the said document is sham, nominal, fabricated, cancelled, or otherwise invalid. More importantly, the very persons who are said to have given the child in adoption, namely defendant Nos.1 and 2, have not disputed the document. On the contrary, defendant No.1 has filed an affidavit before this Court stating that they have no objection for decreeing the suit. Thus, the statutory presumption attaching to Ex.P1 remains wholly unrebutted.

13. It is pertinent to note that, during the course of cross-examination of PW.1, the learned counsel appearing for the contesting defendants has put suggestions to the effect that the plaintiff has created the alleged adoption documents and has produced the same before this Court with an intention to secure a favourable decree, and that she is not entitled to any of the reliefs sought in the present suit.



However, PW.1 has categorically denied all such suggestions. Mere suggestions made in the course of cross-examination, without any substantive evidence in support thereof, do not amount to proof of the allegations. In the absence of any cogent rebuttal evidence on the part of the defendants, such bald suggestions cannot discredit the documentary evidence produced by the plaintiff, particularly when Ex.P1 is a registered adoption deed carrying statutory presumption under law.

14. The plaintiff has also produced Ex.P2 to Ex.P6, which are the study certificates and educational records of minor Prarthana Y.N. These documents disclose that the names of defendant Nos.1 and 2 are continued in the school records as the natural parents of the child. Far from damaging the plaintiff's case, these documents explain why the present suit has been brought. They establish that, despite the adoption deed, the educational records have not



yet been altered, thereby giving rise to the present need for a declaratory decree.

15. Ex.P7, the attested copy of Aadhaar card of the plaintiff, and Ex.P8, the death certificate of G. Siddalingaiah, support the identity of the plaintiff and establish that her husband is no longer alive. Most importantly, Ex.P9, the endorsement dated 05.11.2024 issued by defendant No.5, clearly shows that the competent educational authority has expressed inability to carry out the requested change in the absence of a decree from a civil court, and the plaintiff was specifically advised to obtain an appropriate declaration from the Court. Thus, Ex.P9 not only supports the plaintiff's version but also clearly establishes the cause of action for the suit.

16. In a matter of this nature, the stand of the natural parents is of considerable significance. Here, defendant Nos.1 and 2 have appeared before the Court and have not disputed



either the factum of adoption or the execution of the registered adoption deed. Defendant No.1 has gone a step further and filed an affidavit of no objection. Therefore, the foundational facts pleaded by the plaintiff stand corroborated by the registered adoption deed at Ex.P1, the absence of challenge by defendant Nos.1 and 2, the no-objection affidavit of defendant No.1, and the endorsement at Ex.P9 showing refusal of record correction without a decree.

17. When the document of adoption is registered and remains unchallenged by the natural parents themselves, and when no contra evidence is adduced by the contesting official defendants, there remains no reason for the Court to disbelieve the case of the plaintiff. The defendant No.5 has taken a general plea that the suit is not maintainable and is without cause of action. This contention cannot be accepted.

18. A suit for declaration is maintainable where the civil status or legal character of a person is clouded or denied



in practice and where the plaintiff requires an adjudication from the civil court. In the present case, though the adoption deed exists, the educational records continue to reflect the names of the natural parents, and the authority itself, under Ex.P9, has directed the plaintiff to secure a decree from the civil court. Therefore, there is a definite and subsisting cause of action for the plaintiff to seek declaratory relief.

19. The defendant No.5 has further contended that the suit is bad for non-compliance of Sections 79 and 80 CPC. Section 79 CPC concerns the description of parties in suits by or against the Government, while Section 80 CPC contemplates prior notice before institution of a suit against the Government or a public officer in respect of an act purporting to be done in official capacity, subject to statutory exceptions.

20. In the present case, the substantial and real controversy is regarding the declaration of the plaintiff's



adoptive status vis-à-vis the child, based on Ex.P1. Defendant Nos.4, 5 and 7 are only formal or proper parties because the plaintiff seeks recognition of that status in official records. No independent relief of damages, coercive relief, or challenge to any punitive official act is sought against them. Further, Ex.P9 itself demonstrates that defendant No.5 did not reject the claim on merits but merely required a civil court decree. In such peculiar facts, the plea under Sections 79 and 80 CPC does not go to the root so as to defeat an otherwise proved claim for declaration of civil status.

21. It is pertinent to note that this Court, by its order dated 03.07.2025, has allowed the application filed by the plaintiff and has dispensed with the requirement of issuance of prior notice to defendant Nos.3 to 8, having regard to the facts and circumstances of the case. That apart, the contesting official defendants have not led any evidence



whatsoever to impeach Ex.P1 or to show that the adoption is invalid in law. A bare technical objection, unsupported by evidence and raised in the face of an unrebutted registered adoption deed and a no-objection by natural parents, is not sufficient to non-suit the plaintiff.

22. Under the Hindu Adoptions and Maintenance Act, once a valid adoption is made, the adopted child is deemed to be the child of the adoptive parent for all purposes from the date of adoption, and a registered document relating to adoption carries a presumption of validity unless disproved. The statute also states that a valid adoption cannot be cancelled merely at will. Thus, on the strength of Ex.P1 and the unrebutted evidence on record, this Court is of the considered opinion that the plaintiff has successfully established that Kumari Prarthana Y.N. was given in adoption by defendant Nos.1 and 2 and that the plaintiff became her adoptive mother under the registered adoption



deed dated 19.12.2017. Accordingly, this Court answered Issue No.1 in the **Affirmative**.

23. ISSUE NO.2:- As discussed above, the plaintiff has successfully proved that she is an adopted mother of one Kumari Parthana Y.N by virtue of ExP1. Once an adoption and adoptive status are proved, it necessarily follows that the plaintiff is entitled to seek declaration of the same for the purpose of recognition in the concerned records. Thus, this Court answered issue No.2 in the **Affirmative**.

24. ISSUE NO.3:- In this case, the defendant nos. 1 and 2, who are natural parents, have consented to decree the suit. The defendant nos. 3, 5 and 7, who are represented by the learned AGP, have stated through the defendant no. 5 that they have no jurisdiction to rectify the name of plaintiff as adopted mother in the place of natural mother in the educational records and thus they required a decree from the Civil Court. Therefore, there is no deliberate mistake on the



part of the defendants No.3, 5 and 7, and thus costs cannot be imposed against them. Thus this Court declines to impose costs. In view of findings given on Issue Nos.1 and 2, this court proceeds to pass the following:

ORDER

Suit of the plaintiff is hereby decreed without costs.

It is hereby declared that the plaintiff Smt. Rathnamma and her deceased husband late G. Siddalingaiah are the adoptive parents of Kumari Prarthana Y.N., by virtue of the registered adoption deed dated 19.12.2017.

Draw decree accordingly.

(Dictated to the Stenographer, directly to the Computer and corrected and pronounced by me in the open court on this the **28th day of March 2026**)

(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.



ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF PLAINTIFF:

P.W.1 : Smt. Rathnamma

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PLAINTIFF:

Ex.P1 : Adoption deed dated 19.12.2017
Exs.P.2 to 6 : Study Certificates
Ex.P.7 : Attested copy of Aadhaar card
Ex.P.8 : Death certificate
Ex.P.9 : Endorsement dated 05.11.2024

LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENDANTS:

-NIL-

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF DEFENDANTS:

-NIL-

(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.