



Presented on : 17.03.2023
Registered on : 08.03.2023
Decided on : 27.04.2026
Duration: 03years 01month 21days

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC,

AT SRIRANGAPATNA

PRESENT : Sri.UMESHA M.P., B. A. L., LL, B.,
PRL. CIVIL JUDGE & JMFC,
SRIRANGAPATNA

DATED: ON THIS THE 27th DAY OF APRIL – 2026

ORIGINAL SUIT No. 115 / 2023

PLAINTIFF:

PAWAN A S/o DEEPAK DATTATREYA PORE,
Aged about 13 years, Occ:Student,
Since minor represented by his guardian father
Mr: DEEPAK DATTATREYA PORE S/o Dattatraya Pore,
Aged about 36 years,
R/o Om Ganesh Galli, Gadnudshingi, Karveer,
Dist: Kolhapura, Maharastra - 416119.
(BY PLEADER SRI.CSV)

-V/s-

DEFENDANTS:

1. **THE CHIEF SECRETARY,**
Government of Karanataka,
Vidhan soudha, Bangalore.
2. **THE B.E.O,**
Srirangapatna Tq, Mandya District,
3. **THE B.E.O,**
Mysuru City, Mysuru District,
4. **THE HEAD MASTER,**
Lokapavani Lower Primary School
Ballenahalli Village, K- Shetthalli,
Srirangapatna Taluk, Mandya District.

**5. THE HEAD MASTER,**

Ekadantha Public School
Kalasthawadi Village, Kasaba Hobli,
Mysuru Taluk, Mysuru District.

6. THE HEAD MASTER,

Sri.Mahalaxmi Higher Primary School
Mogarahalli Village, Belagola Hobli,
Srirangapatna Taluk, Mandya District.

(BY LEARNED AGP FOR DEFENDANT NO.1 TO 3)
(DEFENDANT No.4 to 6 PLACED EXPARTE)

Date of institution of suit	17.03.2023		
Nature of suit	Suit for DECLARATION & MANDATORY INJUNCTION		
Date of commencement of recording of the evidence.	16.09.2025		
Date on which the judgment was pronounced	27.04.2026		
Total duration	<u>Year/s</u> 03	<u>Month/s</u> 01	<u>Day/s</u> 21

(UMESHA M.P)
Prl.Civil Judge,
Srirangapatna

J U D G M E N T

This is suit filed by the plaintiff against defendant for relief of vacate the petition premises and hand over the vacate possession thereof to them and recovery of arrears of rent and also for the other relief's.

2. The case of the plaintiff's, as made out in the plaint is as follows:-

It is the case of the plaintiff that, one Mr: DEEPAK DATTATREYA PORE is the adopted father of the plaintiff and also for consequential relief of mandatory injunction to enter his name in the school records of plaintiff as per the Adoption deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 which is registered on



13.04.2022 and also for the other relief's. It is further stated that, in this regard an adoption ceremony has been completed as per their rituals. It is further stated that, the said Adoption Deed has been coming into existence on 13.04.2022 and the same is also got registered before the Sub-Registrar, Srirangapatna under S.R.No.SRP-4-00010-2022-23. Accordingly, the said adoption is complete and legal one. Accordingly, the said date of existence of said adoption deed, he is automatically became the adopted father to the plaintiff by virtue of the above registered Adoption Deed. Thereafter, he has informed the same to the defendants' authorities to rectify the same as per the said registered Adoption Deed. But they have not ready to rectify the same by giving one or the other reason. Now the plaintiff is facing much problem in future. Hence, the plaintiff constrained to file the present suit and he prayed to decree the suit as prayed for.

3. In response to the summons issued by this court, the defendant No.4 to 6 failed to appear before this Court and hence, they have been placed *exparte*. Further, the defendants No.1 to 3 appeared before this court through the Learned AGP and the defendant No.1 to 3 have filed their written statement.

4. Per contra, the defendant No.1 to 3 filed their written statement and denied all the plaint averments. It is denied by the defendants that, they are not the adopted parents of the plaintiff. It is contended that, the plaintiff has not issued prior notice U/Sec.80 of CPC. It is contended that, the suit of the plaintiff is hit by Sec.80 of CPC.



It is further contended that, the suit is barred by law of limitation. On all these grounds, the defendants prayed for the dismissal of the suit with costs.

5. On the basis of the above pleadings of both the parties, this Court has framed the following:

ISSUES

1. Whether the plaintiff proves that, he is the adopted son of Mr: Deepak Dattatraya Pore and Mrs: Arunakumari and the same is required to be corrected in his school records?
2. Whether the defendants prove that, the suit is barred by law of Limitation?
3. Whether the defendants prove that, the suit is not maintainable for want of statutory notice U/Sec.80 of CPC?
4. Whether the court has got jurisdiction to try this suit?
5. Whether the plaintiff is entitled for the reliefs claimed in the suit?
6. What order or decree?

6. To prove his case and to substantiate his contention, the guardian father of the plaintiff himself examined before the Court as PW-1. Further, the plaintiff has produced and got marked documents at ExP-1 to ExP-20 documents. On the other hand, the defendants did not choose to adduce any evidence in their behalf.

7. I have heard the arguments of both parties. Perused the oral and documentary evidence placed on record.



8. By considering the pleadings, oral and documentary evidence and also the arguments canvassed by the learned counsel for the Plaintiff and defendants, I answer the above points in the following, because of my below-discussed reasons:-

ISSUES No.1: In the AFFIRMATIVE

ISSUES No.2: In the NEGATIVE

ISSUES No.3: In the NEGATIVE

ISSUES No.4: In the NEGATIVE

ISSUES No.5: In the AFFIRMATIVE

ISSUES No.6: As per the final order for the following:

REASONS

ISSUES NO. 2 & 3:

9. These two issues regarding the plea of the defendants No.1 to 3 that, the suit is barred by law of limitation and not maintainable for want of notice U/Sec.80 of CPC. The plaintiff has to prove that, this suit is maintainable before this Court. The defendants No.1 to 3 have specifically contended that, the suit is barred by limitation and not maintainable for want of notice under section 80 of CPC. The suit is one for the relief of declaration and mandatory injunction. No doubt that, the suit for declaration and mandatory injunction must be filed within 3 years from the date of cause of action. The PW-1 has stated in his evidence that, the cause of action arose on 28.06.2022 and subsequently when the plaintiff has approached the defendants to rectify their names in the school records of the plaintiff as per the registered adoption deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 and when the defendants have not taken any action. As such, the cause of action for the suit arose when the defendants declined to rectify the same. If the entry in the register maintained



by the defendants, as alleged by the plaintiff, continues then there is recurring cause of action till the same is corrected. So as per Article. 58 of the Limitation Act the suit is well within limitation. So the contention of the learned counsel for defendants No.1 to 3 that, the suit is barred by limitation cannot be accepted. So, I am of the opinion that, the suit is well within limitation.

10. Further, at the time of filing the present suit, the plaintiff has filed the necessary application as required under Sec.80(2) of CPC explaining the urgency involved in filing the present suit without issuing statutory notice to defendants No.1 to 6 and the same was allowed by this Court before registering the present suit. In view of the same, the contention of the defendants No.1 to 3 regarding non-compliance of Sec.80 of CPC is not sustainable. As such the defendants No. 1 to 3 have failed to prove that the suit is barred by limitation and not maintainable for want of statutory notice under section 80 of CPC, hence for all these reasons I answer Issue No.2 & 3 in the Negative.

ISSUE NO.4:

11. This issue is regarding the jurisdiction to try this suit. The defendants No.1 to 3, in their written statement, specifically contended that this Court has got no jurisdiction to try this suit. The defendants No.1 to 3 have taken the contention that this Court has got no jurisdiction to try this suit. Under such circumstances, as per the provisions of Sec.101 of Indian Evidence Act, 1872, heavy burden lies on the defendants No.1 to 3 to establish that, their written statement averments. The



defendants No.1 to 3 have not proved their contention before this court and the defendants No.1 to 3 have not produced any documents to prove their contention. The defendants No.1 to 3 failed to produce cogent, concrete and convincing evidence before this Court to prove this issue. Accordingly, I answer Issue No.4 in the Negative.

ISSUES No.1 & 5:

12. To prove these issues and to substantiate his contention, the guardian of the plaintiff himself examined before the Court as PW-1 and got marked ExP-1 to ExP-20 documents. PW-1 deposed that, he is the adopted father of the plaintiff vide Adoption deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 which is registered on 13.04.2022. It is further stated that, in this regard an adoption ceremony has been completed as per their rituals. It is further stated that, the said Adoption Deed has been coming into existence on 13.04.2022 and the same is also got registered before the Sub-Registrar, Srirangapatna under S.R.No.SRP-4-00010-2022-23. Accordingly, the said adoption is complete and legal one. Accordingly, the said date of existence of said adoption deed, he is automatically became the adopted father to the plaintiff by virtue of the above registered Adoption Deed. Thereafter, he has informed the same to the defendants' authorities to rectify the same as per the said registered Adoption Deed. But they have not ready to rectify the same by giving one or the other reason. Now the plaintiff is facing much problem in future. Hence, the plaintiff constrained to file the present suit and he prayed to decree the suit as prayed for.



13. Under these circumstances, as per the provisions of Sec.101 of Indian Evidence Act, 1872, heavy burden lies on the plaintiff to prove his case.

14. Let me first discuss the oral and documentary evidence let in before this Court. The guardian of the plaintiff, who was examined before this Court as PW-1, has reiterated the plaint averments in his examination-in-chief affidavit. To substantiate his case, the plaintiff has produced the birth certificate of the plaintiff as per ExP-1, ExP-2 is the school admission certificate of the plaintiff, ExP-3 & ExP-4 are the study certificates of the plaintiff, ExP-5 is the office copy of legal notice dated:28.06.2022 issued to the defendants U/Sec.80 of CPC, ExP-6 to ExP-11 are the postal receipts, ExP-12 to ExP-16 are the postal acknowledgments, ExP-17 is the certificate of registration of Hindu Marriage, ExP-18 is the Registered Adoption Deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 which is registered on 13.04.2022, ExP-19 is the Aadhaar card of PW-1, ExP-20 is the Aadhaar card of one Rohan S. To prove said aspect the plaintiff has pleaded in plaint. The oral evidence of the PW-1 corroborate with the documents produced by the plaintiff. Even though the ExP-1 to ExP-1 to 20 are also issued by competent authority in discharge of their official duty. The oral evidence of the PW-1 corroborates with the documents produced by the plaintiff.

15. For the purpose of this case, the oral evidence of PW-1 and the documentary evidence at ExP-1 to ExP-20 are very much relevant. It is averred in the plaint and also pleaded in the plaint and deposed by PW-1 that, he informed the same



to the defendants authority to rectify the same. But they have not ready to rectify the same by giving one or the other reason. Now the plaintiff is facing much problem in future. Accordingly, the same is continued till today.

16. Admittedly, the plaintiff is the minor and he is represented by PW-1 who is the adopted father of the plaintiff.

17. The oral evidence of PW-1 is supported by cogent documentary evidence. Now we will have to consider as to the probative value attached to the documents at ExP-18.

18. The plaintiff has produced the ExP-18 to prove his case and to prove the execution of the same. The provisions of Section 67 and 68 of the Indian Evidence Act, 1972 are very much relevant for the purpose of proof of documents. U/Sec.67 of the Indian Evidence Act, 1972, if a document is alleged to be signed by any person, the signature of the said person must be proved to be in his handwriting and for proving such a handwriting under sections 45 and 47 of the Indian Evidence Act, 1972 is opinions of the experts and the persons acquainted with the hand writing of the person concerned are made relevant. Further, the provisions of Section 68 deals about the proof of execution of the document required by law to be attested and it provides that such a document shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution. These provisions are mandatory nature and prescribes the requirements and nature of proof which must be satisfied by the party who relies on a document. Mere marking of the document is not sufficient to prove their case.



19. The plaintiff has produced the adoption deed dated: 13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 which is registered on 13.04.2022. This document being the registered document raises the presumptive value. Registration confirms the genuineness, authenticity and validity of any document, which has undergone the ordeal of procedure prescribed under the provisions of Indian Registration Act. The defendants have not placed any materials to show doubt the genuineness, authenticity and validity of this document. There are no reasons to disbelieve or to doubt the documents produced by the plaintiff at this stage of litigation.

20. The plaint averments, evidence of PW-1 and documentary evidence at ExP-1 to 20 remained unchallenged by the defendants. No doubt, there is no contrary material to disbelieve the case of the plaintiff. The document at ExP-18 being the registered adoption with respect to the plaintiff raises the presumptive value. The defendants have not placed any materials to rebut the statutory presumption attached to the document at ExP-18. In the absence of such materials on record, there are no reasons to disbelieve or to discard the oral evidence of PW-1 and documentary evidence at ExP-1 to ExP-20. Therefore based on the oral evidence of PW-1 coupled with documentary evidence at ExP-1 to ExP-20, it can be safely held that, the plaintiff is the adopted son of Mr: Deepak Dattatraya Pore and Mrs: Arunakumari by virtue of the registered adoption deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 which is registered on 13.04.2022. Hence, the plaintiffs are entitled to the relief as sought for in the plaint. Therefore, I answer Issues No.1 & 5 in the Affirmative.



ISSUE No.6:

21. In view of the above findings and reasons, this court proceeds to pass the following order:

ORDER

The suit of the plaintiff is hereby decreed.

It is declared that, the plaintiff is the adopted son of Mr: Deepak Dattatraya Pore and Mrs: Arunakumari by virtue of the registered adoption deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 which is registered on 13.04.2022.

The defendants are hereby directed to mention the name of the adopted parents in the school records of the plaintiff as per the registered adoption deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-2022-23 which is registered on 13.04.2022.

Considering the nature of suit and also regards being had to the facts and circumstances of the case, there is no order as to costs.

Draw decree accordingly.

(Dictated to Stenographer directly on computer, typed by him, corrected by me, signed and then pronounced in open court on this the 27th day of APRIL – 2026, at Srirangapatna)

(UMESHA M.P)
Prl. Civil Judge,
Srirangapatna



ANNEXURE TO THE JUDGEMENT

List of witnesses examined on behalf of plaintiff:

PW-1 : Mr: Deepak Dattatraya Pore,

List of documents on behalf of plaintiff:

ExP-1 : Birth certificate of the plaintiff,

ExP-2 : School admission certificate of the plaintiff,

ExP-3 & 4 : Study certificates of the plaintiff,

ExP-5 : Office copy of legal notice dated:28.06.2022 issued to the defendants
U/Sec.80 of CPC,

ExP-6 to11:Postal receipts,

ExP-12 to16:Postal acknowledgments,

ExP-17 :Certificate of registration of Hindu Marriage of PW-1,

ExP-18 : Registered Adoption Deed dated:13.04.2022 bearing S.R.No.SRP-4-00010-
2022-23 which is registered on 13.04.2022,

ExP-19 : Aadhaar card of PW-1,

ExP-20 : Aadhaar card of one Rohan S.

List of witnesses examined on behalf of defendants:

-NIL-

List of documents on behalf of defendants:

-NIL-

(UMESHA. M. P)
Prl. Civil Judge,
Srirangapatna