

Court No. - 37

Case :- SECOND APPEAL No. - 1086 of 2013

Appellant :- Sirdar

Respondent :- Mahavir Adopted Son

Counsel for Appellant :- Daya Shanker Pandey, Rajesh Chandra Gupta

Counsel for Respondent :- Awadhesh Kumar Mishra, Vikram Shah Sisodia

Hon'ble Dinesh Pathak, J.

1. Plaintiff/ appellant has filed a suit for cancellation of the registered adoption deed dated 28.09.2001 whereby, Mahavir (sole defendant) has been adopted by Begraj (brother of plaintiff). The suit has been decreed vide judgment dated 9.11.2012 on the ground that on the date of registration of adoption deed, the age of adoptee was more than 15 years and the defendant was the real nephew (son of the sister). The first appellate court, the appeal having been filed on behalf of the defendant, has allowed the same and reversed the judgment and decree passed by the trial court.

2. It has been submitted that the first appellate court has illegally considered the execution of the adoption done 25-26 years ago from the date of registration i.e. 28.9.2001, whereas, no evidence is on record to prove the adoption in the eye of law.

3. Appeal is admitted on the following substantial questions of law:-

"whether finding returned by the first appellate court that the valid adoption took place 25 years ago and the deed was written and registered on 28.9.2002 is perverse and result of misreading and misinterpreting the evidence on record ?."

4. Let record of the trial court be summoned.

5. The sole defendant/ respondent is represented through counsel.

6. List this matter on 29.7.2025.

Order Date :- 5.5.2025

Gss