



CNR: KAHC010051282026

NC: 2026:KHC:48178-DB
MFA No. 588 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO. 588 OF 2026 (GW)

BETWEEN:

1. SRI. PARTHASARATY.B,
S/O LATE BALARAMA CHETTY,
AGED ABOUT 53 YEARS,
2. SMT. MANJULA,
W/O PARTHASARATY.B,
AGED ABOUT 47 YEARS,

BOTH ARE R/AT. 164,
UDIPALYA LAYOUT,
NEAR RAVI SHANKAR ASHRAMA,
KANAKAPURA ROAD,
UDUPALYA, BENGALURU - 560 082.

...APPELLANTS

(BY SRI. S JAGAN BABU.,ADVOCATE)

AND:

1. SRI.MANJUNATHAN.R,
S/O. RAJENDRAN,
AGED ABOUT 40 YEARS,
R/AT NO.2/538-1,
NEAR CSI CHURCH,
SENTHIL NAGAR, BEGAPALLI ROAD,
HOSUR - 635 126.

...RESPONDENT

(BY SRI. PRAJITH C., ADVOCATE)

Digitally
signed by
VASANTHA
KUMARY B
K
Location:
HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED UNDER SECTION 47(a) OF GUARDIANS AND WARDS ACT, AGAINST THE JUDGMENT AND DECREE DATED 03.11.2025 PASSED IN G AND WC.NO. 19/2022 ON THE FILE OF THE VII ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, BENGALURU RURAL DISTRICT, DISMISSING THE PETITION FILED U/S.7 R/W SECTION 10 OF GUARDIAN AND WARDS ACT, 1890.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 47(a) of the Guardians And Wards Act, 1890 has been filed impugning the order dated 03.11.2025 passed by the VII Additional Senior Civil Judge and JMFC, Bengaluru Rural District, Bengaluru in G & WC No.19/2022 instituted by the appellants herein.

2. The respondent is the natural father of the ward Master Dhanvik Hari, who was born through Monica. The wife of the respondent-Monica, died after giving birth to Master Dhanvik Hari on 08.06.2020. The respondent had a daughter Mokshitha born through his wife Monika, before the birth of Master Dhanvik Hari. As Monika, the wife of the respondent died and



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the respondent was in bereavement and distress, the child was taken by the appellants, who are relatives i.e., the first cousins of the respondent. It appears that a registered Adoption Deed was executed on 04.03.2021 in respect of Master Dhanvik Hari.

3. We have perused the adoption deed. The said adoption deed is in English, though the respondent does not know English, he has signed in English. Adoption deed is a registered document. The Court below having considered the pleadings of the parties, framed the following two points for consideration:-

1. Whether the petition filed by the petitioner deserve to be allowed?
2. What order?

4. Having considered the scope of Sections 10 and 11 of the Hindu Adoptions and Maintenance Act, 1956, as well as Section 16 thereof, the Court below has noted that the appellants had a male biological son and the Adoption Deed was nothing but an illegal document. Mere registration would not make the said adoption deed valid document. Paragraphs 21 to 23 of the impugned judgment are extracted hereunder:-



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"21. According to the petitioners, the presumption has to be drawn under Sec. 16 of the Act for an adoption. Sec. 16 of The Hindu Adoptions and follows: "16. Maintenance Act, 1956 reads Presumption as to registered documents relating to adoption: 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.

22. It is to be noted that, mere production of a registered deed acknowledging the adoption containing recitals regarding giving and taking of adoption are not sufficient to constitute legal adoption as the petitioners are having a male biological son. Section 11 lays down some vital rules relating to the law of adoption and the rules and conditions stated in the section are absolute and non-compliance with any of them will render an adoption invalid. The counsel are relied upon various rulings in support of his contention.

23. It is true that, there is registered adoption deed and also the respondent has participated in ear



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*piercing ceremony, however, the same will not same the adoption deed valid, which is against to the provisions of law enumerated. The petitioners have come to the court to be the adoptive parents and based on that, they need to be appointed as guardian. The contention of the petitioner can't be accepted, where, the claim of the petitioners on the adoption deed is invalid, hence, their request can't be granted. Since, the adoption deed is itself invalid, hence, the court is not proceeding to discuss on other aspects because at no point the petitioners can be appointed as guardians. As such, answered point No.1 in the **Negative.**"*

5. If the appellants were ineligible to take another son in adoption as per the bar created under Section 11 of the Hindu Adoption and Maintenance Act, 1956, mere registration of the Adoption Deed would not make them eligible to take a child in adoption.

6. We are therefore of the view, that the impugned judgment and order does not require an interference by us. We therefore **dismiss** this appeal and affirm the impugned order dated 03.11.2025 passed by the VII Additional Senior



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Civil Judge and JMFC, Bengaluru Rural District, Bengaluru in
G & WC No.19/2022.

7. Pending I.A(s) if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

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List No.: 1 SI No.: 19