



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 12761 OF 2026 (GM-RES)

BETWEEN:

1. SRI MANHOHARA
S/O GANAPATI RAO
AGED ABOUT 52 YEARS
R/AT NO.8 NEECHADI GRAMA AND POST
SAGARA TALUK
SHIMOGGA DISTRICT - 577431

...PETITIONER

(BY SRI: SUYOG HERELE E.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE ADMINISTRATIVE MEDICAL
OFFICER'S OFFICE
SUB-DIVISIONAL PUBLIC HOSPITAL
KUNDAPURA-576201
2. THE REGISTRAR
BIRTH AND DEATH REGISTRATION UNIT
KUNDAPURA-576201

...RESPONDENTS

(BY SMT: NAVYA SHEKAR, AGA FOR R2
NOTICE TO R1 DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE



ENDORSEMENT DATED 28.01.2025 IN
NO.SAA.AA.KU.378,2024-25 ISSUED BY THE RESPONDENT IN
REFUSING TO PROVIDE A REVISED BIRTH CERTIFICATE TO
THE PETITIONER HEREIN (PRODUCED AT ANNEX-D); DIRECT
THE RESPONDENT AUTHORITY TO ISSUE A REVISED BIRTH
CERTIFICATE OF MASTER SUMUKHA MANOHARA CONTAINING
THE NAME OF THE ADOPTIVE PARENTS AS PER THE
REGISTERED ADOPTION DEED DATED 26.08.2024 BY
CONSIDERING THE REPRESENTATION DATED 24.01.2025 NOT
LATER THAN 4 WEEKS (PRODUCED AT ANNEX-A).

THIS WP, COMING ON FOR FINAL HEARING, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Heard the learned counsel appearing for the petitioner
and the learned AGA appearing for respondent No.2. Perused
the material on record.

2. The grievance of the petitioner, as borne out from
the pleadings, is directed against the inaction and palpable
laxity on the part of respondent No.2–Authority in not issuing a
revised birth certificate by incorporating the name of the
adoptive parent in respect of the petitioner's minor son,
notwithstanding the production of a duly registered Adoption
Deed dated 26.08.2024. It is the specific assertion of the
petitioner that a detailed representation dated 24.01.2025, as



per Annexure-A, was submitted to the competent authority, enclosing all requisite documents. However, the same has not evoked any response, thereby compelling the petitioner to approach this Court.

3. In the light of the rival submissions, the short point that arises for consideration is:

"Whether respondent No.2-Authority was justified in not acting upon the registered Adoption Deed dated 26.08.2024 for the purpose of effecting necessary corrections in the birth certificate of the adopted child?"

4. This issue is no longer *res-integra*. A Co-ordinate Bench of this Court, in an identical set of circumstances, has considered the very same question in W.P. No.6961/2023 and has authoritatively laid down the governing principles. Therefore, this Court deems it apposite to extract paragraphs 4, 4(a) and 4(b) of the said judgment for ready reference and guidance.

"4. Having heard the learned counsel for the parties and having perused the Petition papers, this



Court is inclined to grant indulgence in the matter for the following reasons:

a) Petitioner Nos. 1 & 3 are the couple by marriage is prima facie demonstrated by their Marriage Registration Certificate dated 16.02.2021. The adoption of the Second Petitioner as their daughter is evidenced by the registered Adoption Deed dated 13.04.2022; in the biological family of the Second Petitioner, she was named as S. Mahati and accordingly same description occurs in the Register of Births. This pretty child is aged about five years and seeks to gain entry to the school before long. The First Petitioner has applied for the change of this child's name as "Mahati S Subodha", following the adoption.

b) Section 12 of the Hindu Adoptions and Maintenance Act, 1956 speaks of the consequences of adoption; one of them is that the child loses its umbilical card with the biological parents and becomes the child of the adoptive parents in all respects. That being the position, it is not unusual for the adoptive parents to rechristen the child. To know this, one needs no research and Court can take judicial notice of such practices obtaining in the communities, in exercise of power under Section 114 of the Indian Evidence Act, 1872. A host of reasons may be there for such a change and that need not be disclosed to the authorities in the absence of legal requirement. The submission of learned counsel for the Petitioner for a direction to record the change of name of the child draws support from the observations at para 19 in AKELLA LALITHA case supra, which reads as under:

"Before parting with this subject, to obviate any uncertainty it is reiterated that the mother being the only natural guardian of the child has the right to decide the surname of the child. She also has the right to give the child in adoption. The Court may have the power to intervene but only when a prayer specific to that effect is made and such prayer must be centered on the premise that child's interest is the primary consideration and it outweighs all other considerations. With the above observations the directions of the High Court so far as the surname of the child is concerned are set aside."



Case of the Petitioners for change of name is also supported by a decision of Hon'ble High Court of Kerala in W.P. 28552/2022 JEENAMUL VARGHESE vs STATE & ANOTHER, decided on 01.09.2022."

5. On a careful reading of the extracted portions of the judgment rendered by the Co-ordinate Bench of this Court in W.P. No.6961 of 2023, this Court finds that the legal position is no longer *res-integra*. The Co-ordinate Bench, upon an elaborate consideration of the scheme of the Hindu Adoptions and Maintenance Act, 1956 and the rights flowing from a valid adoption, has unequivocally held that once a registered adoption deed is placed on record, the adoptive parents acquire complete legal status as parents of the minor child for all intents and purposes. Consequently, any request made by such adoptive parents for change of name of the minor child, so as to align the identity of the child with the adoptive family, cannot be thwarted by administrative or statutory authorities on untenable grounds. The Co-ordinate Bench has further clarified that educational institutions, statutory authorities maintaining birth records, or any other instrumentalities of the State are bound to recognize the legal consequences of adoption and effect necessary changes in the official records,



including the name and parentage of the child, strictly in terms of the registered adoption deed.

6. In the present case, this Court is constrained to note that despite the petitioner having placed on record a duly registered adoption deed and having submitted a representation seeking correction of the birth records, respondent No.2 has exhibited complete inaction and administrative apathy. Such inaction is not only arbitrary but also runs contrary to the settled legal position declared by this Court in the aforementioned judgment. Once the factum of adoption is evidenced by a registered instrument, the legal fiction under Section 12 of the Act comes into full operation, whereby the adopted child is deemed to be the child of the adoptive parents in substitution of the biological parents. Therefore, respondent No.2 cannot insist upon any further procedural or substantive requirements, in the absence of any statutory mandate, to deny or delay the request for issuance of a revised birth certificate. The petitioner, thus, has a vested legal right to seek correction of the birth records, and correspondingly, respondent No.2 is under a statutory and



constitutional obligation to act upon such request in a time-bound manner.

7. In view of the foregoing discussion and in the light of the binding precedent laid down by the Co-ordinate Bench, this Court deems it appropriate to issue necessary directions to secure compliance with the settled position of law. Accordingly, point for consideration is answered in the "**negative**".

8. For foregoing reasons, the writ petition stands disposed with the following directions:

(i) Respondent No.2 is hereby directed to consider the representation submitted by the petitioner and to effect necessary corrections in the birth records, including substitution of the names of the adoptive parents in place of the biological parents and incorporation of the revised name of the minor child, strictly in terms of the registered adoption deed and in accordance with law.

(ii) Respondent No.2 shall complete the aforesaid exercise and issue a revised birth certificate within an outer limit of six (6) weeks from the date of receipt of a certified copy of this order.



(iii) It is made clear that any further delay or non-compliance shall be viewed seriously, and the petitioner would be at liberty to seek appropriate remedies in accordance with law.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

BGN
List No.: 1 SI No.: 12