

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No. 2740 of 2012 (O&M)

Date of decision : 8.9.2015

Prem Harjit Singh

... Appellant

versus

Nirmal Harjit Singh and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Vikram Rathore, Advocate, for the appellant.

Rajesh Bindal, J.

Challenge has been made to the judgments and decrees of both the Courts below whereby the suit filed by the plaintiffs for declaration that adoption of defendant no.3 vide adoption deed dated 25.4.1995 is illegal, null and void and not binding on the rights of the plaintiffs and is liable to be set aside and that defendant no.3 has no right, title or interest in the property as mentioned in the plaint situated at Ludhiana and Chandigarh.

Briefly the facts of the case are that the plaintiffs were issueless. They had adopted defendant no.3 as son. He was natural born son of defendant nos. 1 and 2, who are brother and sister-in-law of the appellant. The plaintiffs have alleged in the suit that defendant no.3 was not obeying them. He has been misbehaving and maltreating the plaintiffs due to which, plaintiff no.1 was forced to file affidavit for publication that defendant no.3 has no right, title or interest in the property of the plaintiffs and they have debarred, disinherited and disowned defendant no.3 from their moveable and immovable property. As the defendants were threatening the plaintiffs to alienate property situated at Ludhiana and Chandigarh by dispossessing and interfering in the possession of the plaintiffs illegally and forcibly, the plaintiffs filed the suit.

Both the Courts below did not find any merit in the pleas raised by the appellant/plaintiffs that the adoption deed, Ex. PW1/1, was not

properly executed. It is a registered document. The natural parents duly consented for giving defendant no.3 in adoption to adoptive parents/ the plaintiffs. The appellant admitted in his cross-examination that adoption-deed was executed and registered on 25.4.1995. It was also proved that defendant no.3 was not only adopted as son but after adoption in various documents, Ex.D1 to Ex. D7, he was referred to be son of the plaintiffs/ adoptive parents. The adoption is sought to be challenged by the adoptive parents/plaintiffs on the ground of misbehaviour, misconduct and on account of non performance of duties by the adopted son. However, the appellant was unable to specify any incident of misconduct, misbehaviour or maltreatment by mentioning date, month and year. As per Section 15 of the Hindu Adoption and Maintenance Act, 1956, the adoption once made cannot be cancelled. Since the adoption-deed is proved on record to be valid and the same cannot be cancelled, in my opinion, no illegality has been committed by the Courts below in dismissing the suit filed by the appellants. No substantial question of law arises.

Accordingly, the appeal is dismissed.

8.9.2015
vs

(Rajesh Bindal)
Judge