



WEB COPY



W.P.No.26139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26139 of 2024

1.K.Manikavasagam

2.M.Uma Maheswari

... Petitioners

VS.

1.The District Registrar,
Coimbatore South Registration District,
Fifth Floor, Singapore Plaza,
Crosscut Road, Gandhipuram,
Coimbatore 641 012.

2.The Sub Registrar,
Sub Registrar Office Street,
Anaimalai,
Coimbatore – 642 104.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Respondent No.2 in 'Refusal Check Slip-Refusal RFL/Anaimalai/58/2024 and to quash the same and direct the Respondent



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No.2 to register the petitioner's adoption deed dated 28.05.2024 within a time frame to be fixed by this Court.

For Petitioners : Mr.B.M.Subash

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

Aggrieved by the impugned refusal slip in RFL/Anaimalai/58/2024, dated 28.05.2024 issued by the 2nd respondent refusing to register the Adoption Deed dated 28.05.2024 presented for registration, the petitioners have come by way of this writ petition.

2. According to the petitioners, they adopted one Dharani Dinesh daughter of deceased Dharmaraj and Jayanthi in the year 2009 and the said child has been in care and custody of the petitioners from the date of adoption. The natural father of the child died on 12.04.2013 leaving behind his wife-Jayanthi. In order to create written document evidencing adoption, the petitioners and natural mother prepared an Adoption Deed on



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28.05.2024 and the same was presented before the 2nd respondent for registration. The 2nd respondent refused registration mainly on the ground that the age of the adopted child was 21 years on the date of Adoption Deed.

3. Challenging the order passed by the 2nd respondent, the learned counsel appearing for the petitioners submitted that adoption had taken place in the year 2009 and therefore, on the date of adoption, the condition with regard to age of the child as mentioned in Section 10 (iv) of the Hindu Adoptions Maintenance Act, 1956 was complied. The said fact was not taken into consideration by the 2nd respondent.

4. A reading of the Adoption Deed presented for registration would suggest the date of adoption was not at all mentioned in the Adoption Deed. Further, there is a clause in the Adoption Deed as if, the child becomes member of the adopted family from the date of execution of Adoption Deed. Therefore, the order passed by the 2nd respondent rejecting the Adoption Deed cannot be interfered with. However, if the petitioners prepare a fresh Adoption Deed mentioning correct date of adoption and age of the child at the relevant point of time, the 2nd respondent shall consider the registration



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of said deed in accordance with law.

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5. With this observation, the Writ Petition stands dismissed. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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