IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 23100 of 2026
CNR No.ODHC010517832026

(An application under Articles 226 and 227 of Constitution of India)

Kamala Jena ..... Petitioner

-Versus-

Sub Registrar, Simulia ..... Opposite Parties & Anr.

For Petitioner : Mr. D. P Mohanty, Advocate

For Opp. Parties : Mr. G. Mohanty
[Standing Counsel]

CORAM:

JUSTICE SASHIKANTA MISHRA

JUDGMENT
06.11.2026

SASHIKANTA MISHRA, J. The petitioner seeks to challenge the order dated 30.04.2026 passed by the Additional District Magistrate-cum-District Registrar, Balasore, in Registration Appeal No.05 of 2025, whereby the appeal preferred against the Refusal Order No.01 of 2025 dated 26.09.2025 passed by the Sub-Registrar, Simulia, refusing registration of Deed of Acknowledgement of Adoption presented by the petitioner

and her husband, was dismissed and the order of refusal was confirmed.

2. The facts of the case, briefly stated, are that one Purastam Jena and his wife Kamala Jena, the natural parents of Kamala Kanta Mandal, born on 08.04.1992, gave him in adoption to Bhaskar Mandal and his wife Laxmi Mandal on 25.03.2001, when he was about nine years old, pursuant to an adoption ceremony performed at the residence of the adoptive parents. As no deed of adoption was executed at the relevant time, a Deed of Acknowledgement of Adoption was subsequently executed on 24.09.2025 by the natural parents, Laxmi Mandal, wife of late Bhaskar Mandal and Kamala Kanta Mandal, acknowledging the said adoption and was presented before the Sub-Registrar, Simulia, for registration. However, the Sub-Registrar, vide Refusal Order No.01 of 2025 dated 26.09.2025, refused registration on the grounds of non-establishment of any custom permitting adoption beyond fifteen years of age, continued reflection of the natural father's name in the school leaving certificate despite the

adoption in the year 2001, subsequent modification of the Aadhaar card on 10.06.2014, when the adoptee was about twenty-two years old and absence of contemporaneous documentary evidence. Being aggrieved by the said order, Purastam Jena preferred an appeal under Section 72 of the Registration Act, 1908, before the Additional District Magistrate-cum-District Registrar, Balasore, but died during its pendency on 16.12.2025. The appellate authority, vide order dated 30.04.2026, dismissed the appeal, affirming the refusal of registration on the basis of the aforesaid discrepancies and the absence of independent witnesses or endorsement of co-villagers establishing the adoption ceremony. Said orders are impugned in the present writ petition.

3. Heard Mr. D.P. Mohanty, learned counsel for the petitioner and Mr. G. Mohanty, Standing Counsel for the State.

4. Mr. D.P. Mohanty would argue that the Sub-Registrar, while exercising jurisdiction under the Registration Act, 1908, is not vested with the power to

adjudicate on the validity or genuineness of the adoption acknowledged in the document presented for registration. He submits that the document in question is not a deed of adoption effecting a fresh adoption, but a Deed of Acknowledgement of Adoption executed to acknowledge an adoption given effect to on 25.03.2001, when the adoptee was about nine years of age. Therefore, the Sub-Registrar was required to examine whether the document fulfilled the statutory requirements for registration and could not have embarked on an enquiry into the genuineness of the adoption by scrutinising the school leaving certificate, the subsequent modification of the Aadhaar card, the absence of contemporaneous documentary evidence or the availability of independent witnesses to the adoption ceremony. He further argues that the registering authority has no jurisdiction to determine whether the adoption was legally valid by evaluating the surrounding circumstances or the sufficiency of the evidence relating to the ceremony of giving and taking in adoption. Such questions, including the applicability of the age restriction under Section 10(iv) of the

Hindu Adoptions and Maintenance Act, 1956, and the existence of any custom permitting adoption beyond the prescribed age are matters which may fall for adjudication before the competent civil court.

5. Per contra, Mr. G. Mohanty submits that the Sub-Registrar has rightly refused registration of the document after examination of the materials produced by the parties. He argues that the adoption having taken place in the year 2001, the parties were required to establish that the adoptee was below fifteen years of age at the relevant time. However, the school leaving certificate continued to reflect the name of his natural father even after the adoption, while the Aadhaar card was modified to reflect the name of the adoptive father only on 10.06.2014, when the adoptee had already attained the age of about twenty-two years. He further submits that no contemporaneous documentary evidence was produced to establish the adoption and the absence of independent witnesses or any endorsement by co-villagers regarding the ceremony of giving and taking in adoption further cast doubt on the

claim. In such circumstances, the Sub-Registrar was justified in refusing registration and the appellate authority, having considered the materials on record, rightly affirmed the said decision.

6. Having heard learned counsel for the parties and upon consideration of the rival submissions, it would be apt to refer to the decision of the Supreme Court in the case of ***K. Gopi v. Sub-Registrar***[1].

7. The principle emanating from the decision is that the jurisdiction of the registering authority is confined to the examination of the document presented for registration and compliance with the requirements prescribed under the Registration Act, 1908. The registering authority is not vested with the jurisdiction of a civil court and cannot assume an adjudicatory role in determining disputed questions of right, title or legal entitlement, which are otherwise required to be determined by a competent court of law. Once the parties appear before the registering authority, admit execution and comply with the statutory

[1] (2026) 2 SCC 696

and procedural requirements, the registering authority cannot undertake an adjudication beyond the powers conferred on it by the Act. The registration of a document, by itself, does not operate as an adjudication of the rights or liabilities of the parties flowing therefrom.

8. Applying the aforesaid decision to the facts of the present case, it is evident that the document presented before the Sub-Registrar was a Deed of Acknowledgement of Adoption, purportedly acknowledging an adoption said to have been performed on 25.03.2001. The document was not intended to effect a fresh adoption on the date of its execution, but was executed to record and acknowledge adoption which had taken place more than two decades earlier. Therefore, the question which fell for consideration before the registering authority was whether the document was otherwise admissible for registration in accordance with the provisions of the Registration Act, 1908 and not whether the adoption acknowledged therein had been established in accordance with the provisions of the Hindu Adoptions and Maintenance Act, 1956.

9. The reasons assigned by the Sub-Registrar for refusing registration mainly relates to the absence of proof of the adoption ceremony and the discrepancies in the documentary records concerning the identity of the adoptive father. The Sub-Registrar has also drawn an adverse inference from the fact that the school leaving certificate continued to reflect the name of the natural father and the Aadhaar card was subsequently modified in the year 2014. In the considered view of this Court this is nothing but arrogating to itself the power of the civil court. These circumstances may constitute matters for appreciation of evidence in an appropriate civil proceeding, but cannot, by themselves, confer on the registering authority the jurisdiction to adjudicate on the validity or otherwise of the adoption.

10. It is also equally important to keep in mind that registration of the document would not, by itself, conclusively establish the validity of the adoption. Nor would such registration foreclose the right of any person disputing the adoption to question its validity before the competent

civil court. The registering authority is required to discharge the statutory functions entrusted to it under the Registration Act, 1908, and cannot convert the registration proceeding into a trial of the disputed questions relating to the adoption. Consequently, the absence of independent witnesses, the non-endorsement of co-villagers or the subsequent alteration of the Aadhaar record cannot be valid grounds for refusing registration of an otherwise registrable document.

11. The appellate authority, instead of examining whether the Sub-Registrar had acted within the limits of the jurisdiction conferred on him under the Registration Act, 1908, has substantially reiterated the same grounds and proceeded to affirm the refusal by entering into the merits of the adoption. Such an approach, in the considered view of this Court, is inconsistent with the decision laid down by the Supreme Court in the case of ***K. Gopi (Supra)***, wherein the limits of the jurisdiction of the registering authority have been clearly defined.

12. In view of the foregoing discussion, this Court is of the considered view that the Sub-Registrar exceeded his jurisdiction by adjudicating on the validity of the adoption, same error was also committed by the appellate authority in affirming the order of refusal. Therefore, both the impugned orders cannot stand the test of law.

13. In the result, the writ petition is allowed. The impugned orders are hereby set aside. The registering authority is directed to register the Deed of Acknowledgement of Adoption presented by the petitioner within three days from the date of production of a certified copy of this order, subject to compliance with all statutory requirements.

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Sashikanta Mishra
Judge

Signature Not Verified
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Reason: Authentication
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Date: 06-Nov-2026 15:53:51

Orissa High Court, Cuttack
The 6th November, 2026, B.C. Tudu