



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-679-2007 (O&M)

State of Haryana and others

.....Appellants

vs.

Sanjeev Kumar

.....Respondent

Date of Reserve: 04.02.2026

Date of Pronouncement: 09.02.2026

Uploaded on:- 10.02.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ram Karan Sharma, DAG, Haryana
for the appellants.

Mr. Harish Bhardwaj and Mr. Saurabh, Advocates
for the respondent.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 23.03.2006 passed by learned Addl. Civil Judge (Senior Division), Gohana, whereby the civil suit filed by respondent, was decreed in his favour and judgment and decree dated 16.11.2006 whereby the appeal filed by the appellants against the judgment and decree dated 23.03.2006 was dismissed by learned Additional District Judge, Sonapat.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that respondent filed suit for declaration, mandatory injunction and permanent injunction that he is adopted son of late Smt. Anguri Devi widow of Ranjit and she adopted him, while the



respondent was 03 years of age and since then he is known by neighbours, relatives and others as son of Smt Anguri Devi. She also treated him like her own son. Further contention in the civil suit was that the respondent was adopted by Smt. Anguri Devi as per customs before villagers and relatives and since then, he is residing with her. Subsequently, on 18.1.1999, a registered adoption deed was also executed by late Anguri Devi during her life time, in which reference with regard to adoption of the respondent was given.

3. The main grouse of the respondent in the civil suit was that Smt. Anguri Devi- mother of the respondent (through adoption), was working as sweeper in the office of appellant No. 4- Veterinary hospital, Gohana. After her death, being the son of Smt. Anguri Devi., the respondent had right to serve in the office of appellant no.4 under Ex Gratia scheme. He gave representations to appellant No.4, which was duly forwarded by it to appellant No. 2, and vide letter No. 29769, it was informed to the respondent that since his age at the time of registration of adoption deed was 16 years 6 months, therefore, the adoption was not held to be legal and the respondent was not held entitled for service of sweeper under Ex-gratia scheme.

4. The respondent then preferred civil suit challenging the order of rejection and suit for mandatory injunction for directions to the appellants to appoint him as sweeper under Ex-gratia scheme and for permanent injunction restraining the appellants from appointing any other person as sweeper at place of Smt. Anguri Devi. The civil suit filed by him was decreed in his favour, vide judgment and decree dated 23.03.2006 passed by learned Addl. Civil Judge (Senior Division), Gohana. The appellants preferred appeal against the same, which was dismissed, vide judgment and decree dated 16.11.2006 passed by learned Addl District Judge, Sonapat. Hence, the present regular second appeal.



5. Learned counsel for the appellants contends that both the Courts while decreeing the civil suit filed by the respondent in his favour, as well as while dismissing the appeal filed by the appellants, failed to appreciate that adoption deed was registered and executed on 18.01.1999 when the age of the respondent was 16 years 06 months. He further contends that since the adoption deed was not valid and as per Hindu Adoption Act, 1956, the person cannot be taken into adoption after completion of age of 15 years unless there is custom. He, therefore, prays that the present Regular second appeal be allowed.

6. Per contra, learned counsel for the respondent contends that both the Courts have rightly decreed the civil suit filed by him in his favour and dismissed the appeal filed by the appellants. He further contends that admittedly, the adoption was made when the respondent was only 03 years of age and subsequently, on 18.01.1999, the registered adoption deed was executed by Smt. Anguri Devi herself during her life time. He, therefore, prays that the present Regular second appeal be dismissed.

7. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

8. As per record, Shri Tilak Raj son of Sarju, was examined as PW1, who was one of witness of the panchayati writing regarding adoption, photocopy of which was proved on record as Ex. PW-1/A. He stated that the respondent was given in adoption by her parents Madan Lal and Sheela Devi in the presence of Panchayat and sweets were distributed. A writing with regard to the adoption also took place. Since the date of adoption of respondent-Sanjeev, he is known by all and sundry being son of Smt. Anguri. Further that there is no other legal heir of deceased Anguri except respondent-Sanjeev.



9. Dharampal who was also one of the signatories of the said writing of adoption, was examined as PW2. He stated that at the time of adoption, ceremonies were performed and the natural parents of the respondent Sheela and Madan Lal gave him in the lap of Anguri and priest chanted "mantras". He further stated that aforesaid priest has since expired and it was Tilak Raj (PW-1) who had scribed the writing of adoption.

10. Subash Pruthi Deed-Writer, Gohana was examined as PW3, proved the adoption deed as well as consent letter which are Ex.PW-3/A and Ex. PW-3/B respectively. He stated that due reference of adoption deed was made by him in his record at Serial no. 17 dated 18.1.1999. Further that aforesaid documents were scribed by him at the instance of Sheela and Madan and same were read over and explained to them and after reading the same, Anguri Devi also put her thumb impression on the same in the presence of witnesses. Sheela (biological mother of the respondent) put her signatures and Madan (biological father of the respondent) put his thumb impressions.

11. Rajesh Kumar clerk from the office of Sub-registrar, Gohana was examined as PW-4, who proved original record pertaining to the aforesaid adoption deed and the consent letter. He stated that Ex. PW-3/A Adoption deed and Ex. PW-3/B consent letter are the correct attested copies of the original.

12. Sheela and Madan Lal (biological parents of the respondent) were examined as PW-6 and PW-7 respectively, who deposed about their giving the respondent in adoption to the deceased Anguri Devi on 8.5.1986 in the presence of their relatives.

13. As per record, it is proved that the respondent was the only adopted son of late Smt. Anguri Devi and learned Addl. Civil Judge (Sr. Division), Gohana, vide judgment and decree dated 23.03.2006 has rightly decreed the suit



of the respondent in his favour and learned Addl. District Judge, Sonapat, vide its judgment and decree dated 16.11.2006 has rightly dismissed the appeal filed by the appellants.

CONCLUSION

14. In view of the above, I do not find any infirmity in the impugned judgment and decree dated 23.03.2006 passed by learned Addl. Civil Judge (Senior Division), Gohana as well as judgment and decree dated 16.11.2006 passed by learned Additional District Judge, Sonapat and the same are upheld. Accordingly, the present regular second appeal is dismissed.

15. Vide order dated 02.03.2007, the execution of impugned judgment and decree was stayed. The present RSA pertains to the year 2007 and is now been decided after almost 19 years because of which the respondent is deprived of his right to be appointed on the post of Sweeper after death of his mother Anguri Devi under Ex Gratia Scheme.

16. Before parting, this Court would like to share the pain and feelings of this Court in such kind of cases where specially in service matters, litigants are waiting for the decision since long, as in the present case, the civil suit was filed in the year 2003 which was decreed in favour of the respondent in the year 2006 and the appeal filed by the State against the same was also dismissed in the year 2006 itself. Since 2007, the present Regular Second Appeal is lying pending wherein vide order dated 02.03.2007 passed by Coordinate Bench of this Court, operation of the decree was ordered to be stayed. Therefore, to avoid further delay and harassment to the respondent, justice demands that the directions be issued to the appellants that they should not force the respondent to file execution.

17. This Court is well aware of the scope of decision in the RSA and that the Courts cannot go beyond the relief prayed for in the civil suit. In such kind of



cases, as the present RSA where the respondent filed the civil suit in the year 2003 for Ex Gratia appointment and since then he is waiting for his appointment i.e approximately for the last 23 years and unfortunately this Court has taken almost 19 years for deciding the RSA filed by him in the year 2007.

18. Resultantly, the appellants are directed to issue appointment letter to the respondent forthwith. It is made clear that in case the order in the present RSA is not complied with forthwith, cost of Rs.5,00,000/- shall be imposed upon the appellants which shall be paid to the respondent.

19. Parties are left to bear their own costs. Decree sheet be prepared accordingly. Pending application (s) if any also stands disposed of.

09.02.2026
Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No