



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Second Appeal No. 252/2025

Hari Ram S/o Suresh Kumar, Aged About 30 Years, R/o
Rikshabas, Tehsil Maulasar District Deedwana-Kuchaman.

----Appellant

Versus

Chunni Devi W/o Late Shri Bholu Ram, R/o Rikshabas, Tehsil
Maulasar District Deedwana-Kuchaman.

----Respondent

For Appellant(s) : Mr. Bhala Ram Chahar
For Respondent(s) : -

HON'BLE MR. JUSTICE FARJAND ALI

Order

Reportable-
12/05/2026

1. The instant Civil Second Appeal under Section 100 of the CPC has been preferred assailing the judgment and decree dated 30.07.2025 passed by the learned Additional District Judge, Deedwana District Deedwana-Kuchaman in Civil Appeal No.21/2018, whereby the learned First Appellate Court affirmed the judgment and decree dated 15.10.2018 passed by the Court of learned Civil Judge, Deedwana in Civil Original Suit No.33/2012. By virtue of the aforesaid judgments, the suit instituted by the respondent-plaintiff seeking cancellation of the adoption deed dated 20.07.2009 came to be decreed and the appeal preferred by the present appellant-defendant was dismissed.

1.1. Aggrieved thereby, the present second appeal has been instituted invoking the jurisdiction of this Court under Section 100 CPC with a prayer to set aside the concurrent findings and decrees passed by the Courts below.



2. The brief facts giving rise to the present appeal are that the respondent-plaintiff instituted a civil suit before the Court of learned Civil Judge, Deedwana seeking cancellation of the alleged adoption deed dated 20.07.2009. In the plaint, it was averred that the husband of the respondent-plaintiff had expired approximately twenty-three years ago and out of the wedlock, she was blessed with two daughters namely Santosh and Munni. It was specifically pleaded that the appellant-defendant was never adopted by her in accordance with Hindu customs, rituals and mandatory legal requirements contemplated under the Hindu Adoptions and Maintenance Act, 1956. The respondent-plaintiff alleged that the parents of the appellant-defendant, with an oblique motive to usurp and grab her agricultural property, deceitfully took her to the office of the Sub Registrar, Maulasar on the pretext of completing certain pending partition proceedings relating to agricultural land. Taking undue advantage of her illiteracy and vulnerability, her thumb impressions were allegedly obtained on certain documents without disclosing their true nature and contents. Subsequently, an adoption deed dated 20.07.2009 came to be prepared and notarized, wherein it was falsely recited that the appellant-defendant would henceforth be known as Hari Ram, adopted son of deceased Bholu Ram, husband of the respondent-plaintiff.

2.1. It was further pleaded that the biological father of the appellant-defendant namely Suresh Kumar procured the said adoption deed by practicing fraud and misrepresentation. The respondent-plaintiff asserted that the appellant-defendant had





already been adopted by one Chunni Devi and, therefore, there existed neither any legal necessity nor any lawful occasion for a second adoption. It was further contended that the appellant-defendant never resided with the respondent-plaintiff, nor was he ever maintained, nurtured or educated by her; rather, he continued to remain under the care and custody of his biological parents. According to the respondent-plaintiff, she came to know about the alleged fraudulent adoption deed only on 13.08.2012 when the appellant-defendant instituted proceedings before the Sub Divisional Officer, Deedwana claiming rights over her agricultural land. Thereupon, she applied for a certified copy of the alleged adoption deed and upon receiving the same on 03.09.2012, she discovered that her thumb impressions had been fraudulently utilized for preparation of the impugned document. It was also pleaded that the alleged adoption deed did not contain any recital regarding the mandatory ceremony of actual giving and taking of the child, nor did it contain any lawful stipulations or conditions essential to confer legal sanctity upon an adoption under Hindu law. On these premises, the respondent-plaintiff prayed that the adoption deed dated 20.07.2009 be declared null, void and inoperative.

3. Upon service of summons, the appellant-defendant entered appearance and filed written statement contesting the suit. It was contended that the parties belong to the same family and had been residing jointly for generations. The appellant-defendant asserted that since the husband of the respondent-plaintiff had no male issue and the appellant-defendant was treated as a son by





the entire family, the respondent-plaintiff voluntarily adopted him in accordance with Hindu rites and customs on 20.07.2009. It was further contended that the adoption deed was lawfully executed and duly notarized in the presence of witnesses and that the respondent-plaintiff had voluntarily affixed her thumb impressions thereupon after understanding its contents. The allegations of fraud, coercion and misrepresentation were emphatically denied and it was prayed that the suit be dismissed with costs.

4. On the basis of pleadings of the parties, the learned trial Court framed as many as two issues including the relief clause. In support of her case, the respondent-plaintiff examined five witnesses including herself and exhibited seven documents. On behalf of the appellant-defendant, six witnesses were examined and the original adoption deed was produced and exhibited in evidence.

5. Upon appreciation of the oral as well as documentary evidence available on record, the learned trial Court vide judgment and decree dated 15.10.2018 decreed the suit filed by the respondent-plaintiff and declared the adoption deed dated 20.07.2009 to be void and unenforceable in the eye of law. The learned trial Court arrived at a categorical finding that the essential ingredients constituting a valid adoption under Hindu law had not been established by the appellant-defendant and that the alleged adoption deed suffered from serious legal infirmities.

6. Being aggrieved by the judgment and decree dated 15.10.2018, the appellant-defendant preferred Civil Appeal





No.21/2018 before the learned Additional District Judge, Deedwana. The learned First Appellate Court, after reappreciating the entire evidence available on record and hearing learned counsel for the respective parties, dismissed the appeal vide judgment and decree dated 30.07.2025 and affirmed the findings recorded by the learned trial Court.

7. Learned counsel appearing for the appellant vehemently contended that both the Courts below committed grave illegality in decreeing the suit despite the fact that the adoption deed dated 20.07.2009 was a registered and notarized document carrying presumption of correctness. It was argued that the respondent-plaintiff voluntarily adopted the appellant-defendant as her son in accordance with Hindu customs and rituals and thereafter executed the adoption deed acknowledging the said adoption. Learned counsel further submitted that the parties admittedly belong to the same family and the appellant-defendant was always treated as a member of the family of the respondent-plaintiff. It was contended that both the Courts below failed to properly appreciate the evidence adduced by the appellant-defendant and recorded findings contrary to the material available on record. It was thus prayed that the impugned judgments and decrees passed by the Courts below be set aside.

8. This Court has bestowed its anxious consideration to the rival submissions advanced at the Bar by the counsel for the appellants and has carefully gone through the judgments and decrees impugned herein as also the material available on record.





9. At the outset, it is apposite to observe that the jurisdiction of this Court under Section 100 CPC is confined only to adjudication upon substantial questions of law. Concurrent findings of fact recorded by both the Courts below ordinarily do not warrant interference unless such findings are shown to be perverse, contrary to law or based upon no evidence.

10. In the present case, both the Courts below have concurrently held that the appellant-defendant failed to establish a valid adoption in accordance with the mandatory requirements of Hindu law. The Hindu Adoptions and Maintenance Act, 1956 unequivocally contemplates that for a valid adoption there must be actual giving and taking of the child with an intention to transfer the child from one family to another. The ceremony of giving and taking is not a mere formality but constitutes the very essence and soul of a valid adoption. Unless the factum of such ceremony is duly established by cogent and convincing evidence, the adoption cannot be recognized in the eye of law merely on the strength of an executed document.

11. A meticulous examination of the alleged adoption deed dated 20.07.2009 reveals that there is no recital whatsoever regarding performance of the mandatory ceremony of giving and taking. The document is conspicuously silent about the essential customs and rituals which are indispensable to confer legitimacy upon an adoption under Hindu law. Furthermore, the respondent-plaintiff consistently maintained that she was taken to the office of the Sub Registrar under false pretences and her thumb impressions were





obtained without disclosing the true nature of the document.

12. Significantly, the appellant-defendant also failed to establish by cogent evidence that after the alleged adoption he was ever treated as the adopted son of the respondent-plaintiff in the true legal sense. The evidence available on record demonstrates that the appellant-defendant continued to remain under the care, custody and upbringing of his biological parents. No convincing material has been placed on record to show that the respondent-plaintiff ever maintained, educated or brought up the appellant-defendant as her adopted son.

13. The Courts below have further recorded findings that the appellant-defendant had allegedly already been adopted by Chuni Devi and, therefore, the very legality and permissibility of a subsequent adoption became highly doubtful. The findings recorded by the Courts below are founded upon proper appreciation of oral as well as documentary evidence and cannot be said to suffer from perversity or legal infirmity warranting interference by this Court in exercise of jurisdiction under Section 100 CPC.

14. It is trite law that this Court, while exercising jurisdiction under Section 100 CPC, does not sit as a Court of third factual scrutiny. Reappreciation of evidence merely because another possible view may exist is wholly impermissible unless the findings recorded by the Courts below are demonstrated to be patently illegal or perverse. In the present case, learned counsel for the appellant has failed to point out any substantial question of law





arising from the impugned judgments and decrees.

15. This Court is, therefore, of the considered opinion that both the learned Courts below have rightly appreciated the evidence available on record and have correctly concluded that the alleged adoption deed dated 20.07.2009 was devoid of legal sanctity and liable to be cancelled. The concurrent findings recorded by the Courts below neither suffer from perversity nor disclose any jurisdictional error warranting interference by this Court.

16. Consequently, no substantial question of law arises for consideration in the present second appeal. The same being devoid of merit is hereby dismissed. The judgments and decrees dated 15.10.2018 passed by the learned Civil Judge, Deedwana in Civil Original Suit No.33/2012 and dated 30.07.2025 passed by the learned Additional District Judge, Deedwana-Kuchaman in Civil Appeal No.21/2018 are affirmed.

17. Stay petition and all pending applications, if any, stand disposed of accordingly.

(FARJAND ALI),J

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