

C.A.No. 1053 OF 2001
ITEM No. 103

Court No. 10

SECTION -IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1053/2001

Anandrao Bapu Ghate Jadhav & Ors.

Appellant(s)

VERSUS

Tanaji Tukaram Ghate Jadhav

Respondent (s)

Date: 30.11.2004 :This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)Mr. C.G. Solshe, Adv.

For Respondent (s) Mr.Santosh Paul, Adv.
Mr. Rajeev Sharma, Adv.
Mr. Sandeep Chhabra, Adv.
Mr. M.J. Paul, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order. There shall be no order as to costs.

(Meenu Sethi)
Court Master

(Promila Nagpal)
Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1053/2001

Anandrao Bapu Ghate Jadhav & Ors.

...
Appellants

VERSUS

Tanaji Tukaram Ghate Jadhav

...
Respondent

O R D E R

Learned counsel has taken us through the relevant evidence on record and the legal questions raised in Courts below. There is a concurrent finding recorded by the two Courts subordinate to the High Court that there was a valid adoption. There was a formal ceremony of adoption followed by execution of registered deed of adoption. The registered document of adoption has a presumptive value under Section 16 of the Hindu Adoption and Maintenance Act, 1956.

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Learned counsel appearing for the appellant strenuously urged that the adoption deed has not been duly proved. The witness who is alleged to have identified the adoptive mother was not examined. In our opinion the Courts below are fully justified in holding that, in case of an adoption, which is executed by a registered document, the presumption of valid execution of adoption has to be rebutted by the party challenging such adoption. The oral evidence that was highlighted before us has been found by the Courts below to be insufficient to disprove the adoption. In our view, the High Court was justified in dismissing the Second Appeal summarily on the ground that no substantial question of law arose for decision.

We find no merit in this appeal which is accordingly dismissed. In the circumstances, there shall be no order as to costs.

.....J.

(D.M.DHARMADHIKARI)

.....J.

(H.K.SEMA)

New Delhi,
November 30, 2004.