



FAMILY LAW

When Adoption Cannot Be Collaterally Questioned: Allahabad High Court Interprets Section 16, Hindu Adoptions and Maintenance Act

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Introduction

Adoption under Hindu law is governed by a carefully structured statutory framework designed to balance personal law traditions with legal certainty. Central to this framework is **Section 16 of the Hindu Adoptions and Maintenance Act, 1956**, which accords a mandatory presumption of validity to registered adoption deeds. Despite this clear legislative mandate, adoption continues to be collaterally questioned in revenue and mutation proceedings, often resulting in administrative overreach.

In *Ram Kumar v. Narain & Ors.*¹, the Allahabad High Court (Lucknow Bench) decisively addressed this recurring issue by reaffirming the binding nature of Section 16 and circumscribing the jurisdiction of revenue authorities. The judgment highlights that **registered adoption deeds cannot be disregarded on suspicion alone**, and that statutory presumptions can be displaced only through independent proceedings in accordance with law.

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Background of the Dispute

The controversy arose from competing claims over ancestral agricultural land situated in several villages within Tehsil Kaiserganj, District Bahraich, Uttar Pradesh. The land originally belonged to **Gaya Deen**, who had three sons **Samay Deen, Narain, and Ram Asrey**. Upon Gaya Deen's death, his sons succeeded to the property in accordance with Hindu succession law.

Ram Asrey, one of the co-sharers, remained issueless. In order to secure succession and in conformity with Hindu law, he adopted the petitioner, **Ram Kumar**, when the latter was approximately four years old. The adoption was performed after observing customary Hindu ceremonies, including the essential act of giving and taking, and was formally recorded through a **registered adoption deed dated 8 February 1982**, executed by the adoptive father and the natural parents.

Following the death of Ram Asrey, the petitioner asserted succession rights over Ram Asrey's share in the ancestral land on the basis of the adoption and sought mutation of the revenue records. While the **Naib Tehsildar**, upon appreciation of oral and documentary evidence, allowed the mutation in favour of the petitioner, objections were raised by the heirs of Narain, who questioned the adoption in the course of the mutation proceedings.

The appellate and revisional revenue authorities subsequently reversed the mutation order, not on the basis of any independent challenge to the adoption deed, but by expressing doubts regarding the genuineness of the adoption. These authorities characterised the registered adoption deed as "suspicious" without recording cogent reasons or examining the statutory presumption under the Hindu Adoptions and Maintenance Act, 1956.

It was this departure from the statutory framework and settled principles governing adoption and mutation proceedings that led to the writ petition before the Allahabad High Court.

Proceedings Before Revenue Authorities

- After the death of the adoptive father, the petitioner sought mutation of revenue records on the basis of a **registered adoption deed dated 8 February 1982**.
- Objections were raised by the heirs of Narain, who questioned the adoption during mutation proceedings.
- The **Naib Tehsildar**:
 - Examined the registered adoption deed and oral evidence of relevant witnesses, including the priest and natural mother;
 - Found the adoption and possession duly proved;
 - Allowed mutation in favour of the petitioner by order dated **18 August 1992**.
- The objectors appealed before the **Sub-Divisional Officer (SDO)**.
- The SDO:
 - Set aside the mutation order;
 - Directed recording of the names of the brothers of the deceased;
 - Disregarded the statutory presumption under **Section 16 of the Hindu Adoptions and Maintenance Act, 1956**;
 - Recorded no reasons to doubt the adoption deed.
- Revisions filed before the **Commissioner** were dismissed:
 - Without independent examination of evidence;
 - Without requiring the adoption deed to be challenged in separate proceedings.
- These unreasoned appellate and revisional orders led to the writ petition before the High Court.

Key Issues Before the High Court

1. Whether revenue appellate and revisional authorities can disregard a registered adoption deed without it being challenged in independent proceedings.
2. Whether suspicion regarding an adoption deed, unsupported by reasons or evidence, can displace the statutory presumption under Section 16 of HAMA.
3. Whether writ jurisdiction is maintainable against appellate and revisional orders arising out of mutation proceedings.

Statutory Framework: Section 16, Hindu Adoptions and Maintenance Act, 1956

Scope of Section 16

- Section 16 provides that where a document recording an adoption is registered under law and is signed by the person giving and the person taking the child in adoption, the court shall presume that the adoption has been made in compliance with the provisions of the Act.
- The presumption under Section 16 is:
 - Statutory and mandatory, not discretionary;
 - Rebuttable, but only through cogent evidence;
 - Operative unless and until the adoption is disproved in accordance with law.

Legal Effect of Section 16

- **Once a registered adoption deed is produced:**
 - The initial burden of proof stands discharged by the propounder;
 - The onus shifts to the challenger to disprove the adoption;
 - Adoption cannot be questioned on mere suspicion or conjecture.
- **The provision prevents collateral challenges to adoption deeds in proceedings such as:**
 - Mutation,
 - Partition,
 - Substitution,

- Revenue appeals.
- **Disproof of adoption requires independent legal proceedings, not incidental objections.**

Judicial Interpretation: Key Case Laws

- **Mst. Deu v. Laxmi Narayan**²
 - Held that once a registered adoption deed is produced, the court is bound to draw the presumption under Section 16.
 - Collateral challenge to adoption in other proceedings is impermissible; disproof must be through independent proceedings.
- **Laxmibai (Dead) v. Bhagwantbuva (Dead)**³
 - Reiterated that Section 16 creates a strong presumption in favour of registered adoption deeds.
 - The burden shifts to the person disputing the adoption once such a document is placed on record.

Application in the Present Judgment

- The Allahabad High Court applied Section 16 strictly, holding that:
 - Revenue authorities were bound to presume the validity of the registered adoption deed;
 - Doubt or suspicion without statutory rebuttal was legally impermissible;
 - Failure to challenge the adoption deed independently was fatal to the objectors' case.

Key Takeaway

- Section 16 of HAMA operates as a statutory shield, ensuring certainty in adoption-based succession and preventing arbitrary dilution of adoption rights through collateral proceedings.

Findings and Reasoning of the Court

Statutory Presumption under Section 16, HAMA

The Court held that a registered adoption deed attracts a mandatory presumption of validity under Section 16 of the Hindu Adoptions and Maintenance Act, 1956, unless disproved in accordance with law.

Burden of Proof

Once the registered adoption deed was produced and proved, the burden shifted to the objectors to disprove the adoption through independent legal proceedings, which they failed to do.

Improper Collateral Challenge

The Court found that questioning the adoption deed during mutation and revenue proceedings amounted to an impermissible collateral challenge.

Jurisdictional Overreach by Revenue Authorities

Revenue authorities exceeded their limited fiscal jurisdiction by casting doubts on the adoption without authority to adjudicate its validity.

Absence of Reasoned Orders

The appellate and revisional orders were held to be perverse for lack of reasons, as mere suspicion cannot displace a statutory presumption.

Proof of Adoption Ceremonies

Evidence on record sufficiently established the essential giving and taking ceremony required under Hindu law.

Misplaced Reliance on Minor Contradictions

Minor inconsistencies in witness testimonies were held insufficient to negate a duly registered adoption.

Maintainability of the Writ Petition

The Court rejected objections on maintainability, holding that the challenge was to illegal appellate and revisional orders, not merely to a mutation entry.

Illegality and Perversity of Impugned Orders

The appellate and revisional orders were found to be contrary to settled law and statutory mandate, warranting interference under writ jurisdiction.

Decision

The High Court **quashed the orders** passed by:

- The Sub-Divisional Officer (dated 17 September 1993), and
- The Commissioner (dated 8 December 1999).

The mutation order originally passed in favour of the petitioner stood effectively restored. The writ petition was allowed with **no order as to costs**.

Legal Significance and Takeaways

1. Registered adoption deeds enjoy strong statutory protection under Section 16 of HAMA.
2. Revenue authorities cannot invalidate or doubt adoption deeds without independent legal challenge.
3. Suspicion without reasons is no substitute for proof.
4. Adoption disputes affecting succession must be adjudicated through **proper civil proceedings**, not collateral revenue challenges.
5. The judgment reinforces judicial discipline, reasoned decision-making, and respect for statutory presumptions.

Conclusion

The decision of the Allahabad High Court reaffirms the central role of Section 16 of the Hindu Adoptions and Maintenance Act, 1956 in preserving legal certainty in adoption-based succession. By holding that a registered adoption deed carries a mandatory statutory presumption, the Court has decisively curtailed the tendency of revenue authorities to question adoption collaterally in mutation proceedings.

The judgment draws a clear jurisdictional boundary: while mutation authorities may record fiscal entries, they lack competence to adjudicate the validity of adoption deeds in the absence of independent civil proceedings. Equally significant is the Court's insistence on reasoned decision-making, emphasising that suspicion without legal justification cannot override statutory mandates.

Overall, the ruling strengthens the evidentiary sanctity of registered adoption deeds, safeguards adoption-based inheritance rights, and reinforces adherence to settled principles of Hindu adoption law. It stands as an important precedent for practitioners and authorities alike in ensuring that statutory presumptions are respected and not diluted by administrative arbitrariness.

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1. WRIT-C No. 1001378 of 2000 ??
2. (1998) 9 SCC 701 ??
3. (2013) 4 SCC 9 ??

Related Practice Areas

Family Law Dispute