VERDICTUM.IN

'CR'

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 10TH DAY OF NOVEMBER 2026 / 19TH KARTHIKA, 1948

WP(C) NO. 9697 OF 2026

PETITIONER/S:

XXXX ANMOL
(THE PETITIONER'S NAME IS MASKED AS PER THE DIRECTIONS IN THE JUDGMENT AND HER NAME IS SUBSTITUTED AS 'ANMOL' FOR THE PURPOSE OF THIS JUDGMENT)

BY ADVS.
SRI.ARUN ASHOK
SMT.NEENA JAMES
SMT.CELIA ISAAC
SHRI.ANTONY M. GEORGE
SHRI.JOEL C JEXON

RESPONDENT/S:

1 **THE STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 **TAHSILDAR, TALUK OFFICE THRISSUR**
OPP. THRISSUR TOWN HALL, CHEMBUKKAVU, PALACE ROAD, THRISSUR DISTRICT, PIN - 680020

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3 VILLAGE OFFICER, PERINGAVU VILLAGE OFFICE
UDAYA NAGAR, CHEMBUKKAVU, THRISSUR, THRISSUR
DISTRICT, PIN - 680020

OTHER PRESENT:

SMT RUKHIYABI MOHAMMED KUNHI, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR HEARING ON 10.11.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J

W.P.(C) No. 9697 of 2026

Dated this the 10th day of November, 2026

JUDGMENT

Some relationships begin at birth, and some others are formed through adoption. The paths may differ, but the word 'daughter' need not carry that difference wherever it appears. The petitioner comes before this Court with a prayer that is small in its verbal compass, yet deeply personal in its significance. In the legal heirship certificate issued upon her father's death, she is described as his 'adopted daughter'. She does not dispute the fact of adoption, nor does she ask this Court to recast her past. She prays only that an official document recognising her relationship with her deceased father should identify her as

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his daughter, without a qualification which she apprehends may invite needless inquiry into her personal history. The issue, therefore, is not whether an adoption should be acknowledged with anything less than dignity, but whether its expressed recital is necessary in a legal heirship certificate intended to identify the deceased's legal heirs.

2. I will narrate the facts in this case. This Court, in **Vysakh K. G v. Union of India [2023 (1) KHC 193],** observed that, in matters related to child custody, adoption matters, etc the court shall not publish details of the parties to identify the cause. Since the petitioner is admittedly an adopted daughter and the issue raised by the petitioner is sensitive, I think the petitioner's name should be masked in this judgment wherever it occurs. Usually, when a party's name is masked, this Court will give an alphabet to represent that person. Instead of using an alphabet like “A” or “B”, I prefer to refer to the petitioner as “Anmol” for the

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purpose of this judgment. Anmol means 'Priceless', 'invaluable' or 'precious beyond measure'; in other words, it means 'something which cannot be measured'. Anmol is the only child and sole legal heir of her deceased father. The parents' marriage was solemnised on 29.06.1974. Despite more than 16 years of marriage, the couple remained issueless. They subsequently adopted Anmol on 30.06.1990, when she was less than one month old, as per the court order in Ext.P1.

3. From the date of adoption, Anmol was accepted and treated as the daughter of her adoptive parents in all respects. In official records such as Aadhaar, Passport, Ration Card, Electoral ID Card, Driving Licence, PAN Card, SSLC Certificate, etc., this is reflected, and society recognises her as their daughter in all respects. Ext.P2 is the Passport of the petitioner and Ext.P3 is the ID Card of the petitioner.

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4. The mother of Anmol died on 03.01.2023. Ext.P4 is the death certificate. Pursuant to that, the 2nd respondent issued a legal heirship certificate on 16.03.2023, certifying that Anmol is the sole legal heir of her mother and her father, explicitly describing Anmol as "daughter". Ext.P5 is the legal heirship certificate of her mother. Subsequently, Anmol's father passed away on 15.10.2024, as evidenced by Ext.P6, the death certificate. The petitioner applied for a family membership certificate of her deceased father from the Village Officer, wherein she is shown as 'daughter'. Ext.P7 is the family membership certificate of Anmol's father issued by the Village Officer. Therefore, the petitioner applied for the issuance of a legal heirship certificate in respect of her deceased father. Based on the application, the 2nd respondent issued Ext. P8 legal heirship certificate certifying that Anmol is the sole legal heir of her father. However, in the said certificate, the petitioner's relationship

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with the deceased was described as 'adopted daughter' instead of 'daughter', as mentioned in Ext. P5, the legal heirship certificate of her mother. As I mentioned earlier, Anmol submits that the description of her relationship with the deceased as adopted daughter is unnecessary and adversely affects her legal status and dignity. The petitioner submitted that when Exts.P5 and P7 certificates were issued, no such remarks were made by the respondents. Aggrieved by the same, this writ petition is filed for issuing appropriate directions to set aside Ext.P8 legal heirship certificate insofar as it describes the petitioner as 'adopted daughter', and to issue a fresh legal heirship certificate to Anmol describing her as the 'daughter' of her deceased father.

5. Heard the learned counsel for the petitioner and the learned Government Pleader.

6. The counsel for the petitioner reiterated the

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contentions raised in this writ petition. The Government Pleader took me through the counter filed on behalf of the 2nd respondent. In the counter, it is stated that, on enquiry, it is found that Anmol is an adopted child. The Government has issued guidelines that the competent authority is to issue a legal heirship certificate, and while issuing the certificate, if the legal heir is an adopted daughter/son, an option has been provided in the e-district portal to specifically record such relationships. It is further submitted that the Government guidelines provide a specific option in the e-district portal to record the relationship of an adopted son/daughter; hence, it has been issued to ensure uniformity and accuracy in the certificate issued by the Revenue authorities. The 2nd respondent is bound by the said guidelines, and it is only giving effect to them. There is no illegality or arbitrariness in issuing such a legal heirship certificate, is the submission.

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7. This Court considered the contention of the petitioner and the Government Pleader. I cannot agree with the contention of the respondents. Section 12 of the Hindu Adoptions and Maintenance Act, 1956 (for short, Act 1956) reads as follows:

> "12. Effects of adoption.—
> An adopted child shall be deemed to be the child of his or her adoptive father or mother for all purposes with effect from the date of the adoption and from such date all the ties of the child in the family of his or her birth shall be deemed to be severed and replaced by those created by the adoption in the adoptive family:
> Provided that—
> (a) the child cannot marry any person whom he or she could not have married if he or she had continued in the family of his or her birth;
> (b) any property which vested in the adopted child before the adoption shall continue to vest in such person subject to the obligations, if any, attaching to the ownership of such property, including the obligation to maintain relatives in the family of his or her birth;
> (c) the adopted child shall not divest any person of any estate which vested in him or her before the adoption."

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8. An adopted child shall be deemed to be the child of his or her adoptive father or mother for all purposes with effect from the date of the adoption and from such date all the ties of the child in the family of his or her birth shall be deemed to be severed and replaced by those created by the adoption in the adoptive family. Society will accept the adopted child as the son or daughter of the person who adopts the child. No one will call them ‘an adopted son’ or 'an adopted daughter’ of a particular person. Therefore, society will accept a child adopted by a person as the child of the adoptive parents. When society treats the child as the son or daughter of the adoptive parents, there is no need to describe the child as an ‘adopted girl’ or ‘adopted boy’ in official documents. The law recognises adoption, and no one will treat an adopted child in a different category. If the parents treat the child differently, the Act 1956 protects the child. The proviso to Section 12 of the Act 1956 gives the

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adopted child all the benefits of her former parents and the parents who adopted them. In such circumstances, let the adopted child be shown as the daughter or son of the adoptive parents, without any prefix, while describing him/her. There is no insult in describing a child as an adopted son or adopted daughter, which is statutorily recognised, but the same should be avoided while recording in official documents.

9. The Government Pleader submitted that the Government has issued guidelines directing the competent authority to issue legal heirship certificates and that, in cases where the legal heirship certificate is to be given, while describing the adopted son or daughter, an option is provided in the e-District portal to specifically record such relationship. I am of the considered opinion that this option should be removed by the Government immediately. In the official records, no child shall be described as an 'adopted

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son or daughter.' Such children should be shown as "son" or "daughter". No prefix is necessary. So the Government should make necessary modifications in the e-District portal to ensure that there is no such option, and the guidelines also should be modified accordingly.

10. Coming back to the facts of the case, a perusal of Ext.P5, the legal heirship certificate of the mother of Anmol, shows Anmol is shown as daughter, without any prefix. Similarly, in Ext.P7, the family membership certificate, Anmol is shown as a daughter, and there is no prefix to the same, showing that she is an 'adopted daughter'. In such circumstances, according to me, 'adopted daughter' mentioned in Ext.P8 legal heirship certificate is to be removed.

Therefore, this writ petition is allowed with the following directions:

1. Exhibit P8 is set aside.

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2. The 2nd respondent is directed to issue another legal heirship certificate to the petitioner, showing her relationship with her deceased father as "daughter" instead of "adopted daughter". The necessary certificate shall be issued forthwith, at any rate, within two weeks from the date of receipt of a certified copy of this judgment.

3. The 1st respondent is directed to make necessary changes in the guidelines in the e-District Portal, deleting the option which says that, if the legal heir is an adopted child, it should be separately mentioned. The same should be done within one month from the date of receipt of a certified copy of this judgment.

4. The Registry shall mask the name of the

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petitioner in the cause title of the judgment and substitute the name as "Anmol" only for the purpose of this judgment.

5. The Registry will provide sufficient certified copies of the judgment along with the name and details of the petitioner in a separate sealed cover, if the petitioner files a copy application for the purpose of producing the judgment before the 2nd respondent.

6. The Registry will forward a copy of this judgment to the 1st respondent forthwith for complying with the directions mentioned in direction No.3 of the judgment.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

SKS/AJ/JV/nvj

Judgment reserved	NA
Date of Judgment	10/11/2026
Judgment dictated	13/11/2026
Draft judgment placed	16/11/2026
Final judgment uploaded	18/11/2026

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APPENDIX OF WP(C) NO. 9697 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE ORDER IN O.P (G&W) NO. 177/1990 ON THE FILE OF THE 2ND ADDITIONAL DISTRICT COURT, ERNAKULAM DATED 30/06/1990**
Exhibit P2	**A TRUE COPY OF THE PASSPORT OF THE PETITIONER DATED 24/08/2011**
Exhibit P3	**A TRUE COPY OF ELECTION ID CARD OF THE PETITIONER DATED 20/09/2015**
Exhibit P4	**A TRUE COPY OF THE DEATH CERTIFICATE OF PETITIONER'S MOTHER ISSUED MUNICIPAL CORPORATION, THRISSUR DATED 06/01/2025**
Exhibit P5	**A TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE OF PETITIONER'S MOTHER ISSUED BY THE TAHSILDAR, THRISSUR TALUK DATED 16/03/2023**
Exhibit P6	**A TRUE COPY OF THE DEATH CERTIFICATE OF PETITIONER'S FATHER ISSUED BY KOCHI MUNICIPAL CORPORATION, DATED 25/10/2024**
Exhibit P7	**A TRUE COPY OF THE FAMILY MEMBERSHIP CERTIFICATE OF PETITIONER'S FATHER ISSUED BY THE VILLAGE OFFICER, PERINGAVU VILLAGE OFFICE DATED 23/01/2025**
Exhibit P8	**A TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE OF PETITIONER'S FATHER ISSUED BY THE TAHSILDAR OF TALUK OFFICE, THRISSUR DATED 28/06/2025**