

Field on : 19.01.2024
Register on : 19.01.2024
Decided on : 10.07.2025
Duration : Y: 1 M: 5 D: 22

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, COIMBATORE.

Present: Thiru. S. Maharajan, B.A., B.L.,

Principal District Munsif, Coimbatore.

Thursday, the 10th day of July, 2025

Original Suit No. 61/2024

C.N.R. No. TNCB09-001744-2023

Hanitra Gounder (Minor)

Represented by her Guardian/mother

Priyavarshini Gounder

.... Plaintiff

-Versus-

Coimbatore City Municipal Corporation

.... Defendant

This suit is coming up for final hearing before me on 18.06.2025 in the presence of Thiru. Indhirajith, Learned Counsel for the Plaintiff and Thiru. B. Vijayakumar, Learned Counsel for the Defendant and on perusal of the records available before me having stood over for consideration till this date this Court pronounced the following :

JUDGMENT

1. PRAYER

This suit is filed for the relief of Mandatory Injunction.

Suit for Mandatory Injunction directing the Defendant to change/substitute the name of the Plaintiff as HANITRA GOUNDER instead of M. HANITRA in the birth certificate of the Plaintiff and directing the Defendants to pay costs of the Plaintiff.

2. GIST OF PLAINT:

2.1. The Plaintiff submits that the Plaintiff was born on 30.11.2011 at hospital (i.e., Womens Center & Hospitals Pvt. Lt, 1-5 Chairman Raju Nagar, Mettupalayam Road, Coimbatore – 641 043) situated within the local limits of the Coimbatore City Municipal Corporation namely the Defendant herein. It is further submitted that the Plaintiff was named as M. Hanitra by her parents, and the Plaintiff was also called as M. Hanitra for many years. Due to the inconvenience in it and upon compliance with the old custom of having their surname at suffix, the name of the Plaintiff was changed / Substituted as Hanitra Gounder instead of M. Hanitra at the instance of Plaintiff's father on 06.03.2023, and the same was published in Tamil Nadu Government Gazette Notification dated 15.03.2023, in serial No:4552. The said change was acted upon, and now the Plaintiff has been called as Hanitra Gounder not as M. Hanitra. Moreover even in school records and Aadhar Card of the Plaintiff also,

the said change was effected. The birth certificate of the Plaintiff issued by the Defendant, Bonafide Certificate issued by De Sales Academy School, Bangalore, and Aadhar Card of the Plaintiff effecting the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra are produced herewith.

2.2. The Plaintiff further submits that on the month October, 2023 the Plaintiff approached the Defendant to change/substitute the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra, in the birth certificate of the Plaintiff, but the Defendant denied to do so. It caused a great prejudice for the Plaintiff. Unless the said change is effected in the birth certificate of the Plaintiff, it may lead to a great ambiguity pertaining to the Plaintiff's name. In that pretext the Plaintiff finally on the 1st week of Nov, 2023 approached the Defendant for the said relief to change/substitute the name of Plaintiff from as Hanitra Gounder instead of M. Hanitra, but the same also ended in vain and did not yield any fruits. Therefore the Defendant may be directed by the order of this court to change/substitute the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra, but the same also ended in vain and did not yield any fruits. Therefore the Defendant may be directed by the order of this court to change/substitute the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra in Plaintiff's birth certificate. Hence the suit.

3. GIST OF WRITTEN STATEMENT:

3.1. The suit of the first instant is not maintainable without seeking a relief of declaration of the correct name to be rectified and the relief of mandatory injunction is not enough under law.

3.2. This Defendant submits that the Plaintiff is burdened to prove that the name of the Plaintiff was changed/substituted as Hanitra Gounder instead of M. Hanitra at the instance of the Plaintiff's father on 06.03.2023 and it was published in Tamil Nadu Government Gazette dated : 15.03.2023 as alleged in para 4 of the plaint, and the change/substituted name was acted upon and in the school and Aadhar records.

3.3. This Defendant submits that no such approach by the Plaintiff either in October 2023 or during the 1st week of November 2023 to change/substitute the name of the Plaintiff as Hanithra Gounder instead of M. Hanithra in the Birth Certificate and no documentary proof is filed on that aspect as alleged in para 5 of the plaint.

3.4. However the Plaintiff is burdened to prove the rest of the allegations in the other paragraphs of the plaint. There is no cause of action for the suit and the alleged one is false. Hence, it is prayed to dismiss the suit with costs.

4. ISSUES :

On perusal of Pleadings the following issues were framed on 09.12.2024

1. Whether the Plaintiff is entitled for the relief of Mandatory Injunction as prayed for?

2. Whether there is no cause of action for this suit as alleged by the Defendant?

3. To what other relief the Plaintiff is entitled for ?

5. EVIDENCE:

On the Plaintiff side, mother/Guardian, Priyavarshini Gounder has been examined herself as PW-1 and exhibits A1 to A4 were marked through her. Ex.A-1 is the Birth Certificate of Hanithra Gounder, original, dated: 30.11.2011. Ex.A-2 is the copy of Tamil Nadu Government Gazette notification effecting the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra in serial No. 4552, dated : 15.03.2023. Ex.A-3 is the copy of Bonafide certificate issued by DE Sales ACADEMY effecting the name of Plaintiff as Hanitra Gounder instead of M. Hanitra, dated : 20.09.2023. Ex. A-4 is the certified copy of the Aadhar card of Plaintiff effecting name of Plaintiff as Hanitra Gounder instead of M. Hanitra. No oral and Documentary evidence on the side of Defendants.

6. ISSUE NO:2

Whether there is no cause of action for this suit as alleged by the Defendant?

As per the Plaintiff's case the Plaintiff approached the Defendant to change /substitute the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra in the birth certificate of the plaintiff but the defendant denied to do so. Now the defendant

deny that the plaintiff did not approach the defendant as stated by the plaintiff hence there is no cause of action for the suit. After filing the suit the defendant has filed the written statement and in the written statement the defendant denied the plaint in toto. Hence now also the defendant is not ready to change/substitute the name of the plaintiff as prayed for. Hence here is a cause of action for the suit. Issue No.2 is answered accordingly.

7.ISSUE NO:1:

7.1. The Plaintiff's mother/guardian Priyavarshini Gounder by means of Proof Affidavit was examined in chief as PW-1 and reiterated the contention of the Plaintiff in chief examination. Further during the chief examination, in order to substantiate her pleadings the Plaintiff's guardian exhibited 4 documents namely A-1 to A-4 on her side. Upon perusal it is found that, on the Plaintiff side, the original Birth Certificate of Hanithra Gounder, dated: 30.11.2011, which has been exhibited as **A-1**. The copy of Tamil Nadu Government Gazette notification effecting the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra in serial No. 4552, dated : 15.03.2023, which has been exhibited as **A-2**. The copy of Bonafide certificate issued by DE Sales ACADEMY effecting the name of Plaintiff as Hanitra Gounder instead of M. Hanitra, dated : 20.09.2023, which has been exhibited as **A-3**. The certified copy of the Aadhar card of Plaintiff effecting name of Plaintiff as Hanitra Gounder instead of M. Hanitra, which has been exhibited as **A-4**.

7.2. From the evidence of the plaintiff and the exhibits marked on the side of plaintiff, the plaintiff has proved that the name of the minor child M.Hanitra has been now changed as Hanitra Gounder. On the side of Defendant the PW1 has been cross examined, in the cross examination the PW1 has answered as follows:

“எனது மகளின் பிறப்பு சான்றிதழ் பெயர் மாற்றம் செய்வதற்காக வழக்கு தாக்கல் செய்துள்ளேன். எனது மகளின் பெயரை ஏற்கனவே நோட்டவரி வழக்கறிஞரிடம் சான்றொப்பம் பெற்று இனிமேல் பெயர் மாற்ற மாட்டேன் என்ற உறுதியுடன் ஏற்கனவே விண்ணப்பித்துள்ளதால் தற்போது நான் கேட்டுள்ள பரிகாரம் கிடைக்கத்தக்கதல்ல என்றால் சரியல்ல, நான் இறுதியாக 2023 ஆம் ஆண்டு நவம்பர் 1ஆம் தேதி பிரதிவாதியை அணுகி எனது மகளின் பெயரை மாற்ற வேண்டும் என்பதற்கான ஆவணம் எதையும் தாக்கல் செய்துள்ளேனா என்றால் இல்லை, நான் வாய்மொழியாகத்தான் கேட்டேன். 15.03.2023 தேதியிட்ட வா.சா.ஆ.2 ஆவணமே எனது மகளின் பெயர் மாற்றத்திற்கு போதுமானதென்றும் நான் இவ்வழக்கில் கேட்டுள்ளதுபோல் பிரதிவாதி பிறப்பு சான்றிதழில் மாற்றம் செய்ய வேண்டிய அவசியம் இல்லை என்றால் சரியல்ல, எனது மகளுக்கு எதிர்காலத்தில் பிரச்சினையாகிவிடும் என்பதால் மாற்றம் செய்ய கேட்கிறேன். எனது பிரமாண வாக்குமூலத்தில் சொல்லியுள்ளதுபோல் பிரதிவாதி தந்தை மூலம்தான் பெயர் மாற்றத்திற்கு விண்ணப்பிக்க வேண்டும் என சொல்லவில்லை என்றால் சரியல்ல. நான் கேட்டுள்ள பரிகாரம் கிடைக்கத்தக்கதல்ல என்றால் சரியல்ல.”

7.3. Through the cross examination the Defendant has admitted that, the name of the Plaintiff has been changed and the Gazette publication is much more enough for the name change and changing the name in the birth register maintained by the defendant is not necessary. The view of the defendant is not acceptable. Eventhough the name change of the Plaintiff has been published in the Gazette and the changed name has been updated in the school records, changing of new name in the birth records is absolute necessary. Otherwise in future the Plaintiff child may face unnecessary difficulties. Hence the Plaintiff is entitled to the mandatory injunction as prayed for. The Issue No.1 is answered accordingly.

8. ISSUE NO:3

To what other relief the Plaintiff is entitled for ?

In continuation to the determination to the Issue No.1 and 2 the plaintiff is entitled to any other relief. Accordingly, this issue No.3 is answered.

9. FINALLY:

The suit is decreed and the defendant is directed to change/substitute the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra in the Birth Certificate of the Plaintiff. No cost.

Dictated to the Steno-typist, directly typed by her in computer, corrected and pronounced by me in open court, this the 10th day of July 2025.

Principal District Munsif,
Coimbatore.

Plaintiff side Witnesses:-

PW-1 - Priyavarshini Gounder (Plaintiff's mother/guardian)

Plaintiff side documents :-

Exhibits	Date	Documents
Ex. A-1	30.11.2011	The original Birth Certificate of Hanithra Gounder
Ex. A-2	15.03.2023	The copy of Tamil Nadu Government Gazette notification effecting the name of the Plaintiff as Hanitra Gounder instead of M. Hanitra in serial No. 4552
Ex. A-3	20.09.2023	The copy of Bonafide certificate issued by DE Sales ACADEMY effecting the name of Plaintiff as Hanitra Gounder instead of M. Hanitra
Ex. A-4		The certified copy of the Aadhar card of Plaintiff effecting name of Plaintiff as Hanitra Gounder instead of M. Hanitra

Defendant side Witnesses and Documents :- NIL

Principal District Munsif,
Coimbatore.

Draft/Fair Judgment

O. S. No. 61/2024

Date: 10.07.2025

PDM, CBE.