

Govt.of Karnataka

From No.9(Civil)
Title Sheet for
Judgment in suits
(R.P.91)

TITLE SHEET FOR JUDGMENT IN SUITS

**IN THE COURT OF THE VI ADDL. CITY CIVIL & SESSIONS JUDGE
AT BENGALURU CITY : (CCCH.11)**

Dated this the 4th day of December, 2018

PRESENT: Sri. Rama Naik, B.Com., LL.B.,
(Name of the Presiding Judge)

O.S.No :806/2018

PLAINTIFF : MEGHASHREE.M
D/o.Sri.Manjunath,
Aged 18 years,
R/at Care of Sri.Linge Gowda,
No.4, 1st Main Road,
Vrushabavathi Nagar, Kamala Nagara,
Bengaluru-560 079.
Reptd.by Power of Attorney Holder-
Sri.H.Manjunath.

(By Pleader Sri.R.Madhusudhana Reddy)

-VS-

DEFENDANTS :

- 1) Deputy Director of Public Instructions**
Department of Public Education
Bangalore North Range,
K.G.Road, Bangalore-560 009.
- 2) Director - SSLC**
Karnataka Secondary Education
Examination Board, 6th Cross,

Malleshwaram, Bengaluru-560 003.

3) The Block Education Officer
North Range,
Bangalore North District,
Rajajinagar, Bengaluru-560 010.

(Exparte)

Date of Institution of the suit : 30.01.2018

Nature of the Suit : Declaration

Date of commencement of recording
of evidence : 15.03.2018

Date on which the Judgment was
pronounced : 04.12.2018

	<u>Year/s</u>	<u>Month/s</u>	<u>Day/s</u>
Total Duration :	--	01	04

(RAMA NAIK)
VI ADDL.CITY CIVIL & SESSIONS JUDGE
BENGALURU CITY.

J U D G M E N T

This suit is filed by the Plaintiff praying for judgment and decree in her favour and against the Defendants declaring her name as '**MEGHA**

SHREE.M' instead of **'M.CHANDANA'** and direct the Defendants to effect necessary changes in all her educational records maintained by the Defendants by rectifying her name as **'MEGHA SHREE.M'** instead of **'M.CHANDANA'**.

2) The Plaintiff has pleaded in her plaint that, she has studied 5th Standard in Kinder Garden, wherein her name has been entered as 'MEGHASHREE.M'. The Plaintiff changed her name in the year 2009 as 'M.CHANDANA' by way of affidavit sworn to before Notary Public. Later, Plaintiff got admitted to Goutham Public School, Bangalore, where she has completed her SSLC. Pursuant to change of name of the Plaintiff, her name has been entered as 'CHANDANA.M' in all the records. The Plaintiff has further pleaded that, she is physically challenged person, she has applied for pension facility, which is provided for physically challenged people by the Government of Karnataka. She is availing the said facility. It is also pleaded that the Plaintiff intends to

continue her original name 'MEGHASHREE.M'. She made oral request to the authorities of Goutham Public School to change her name, but they refused to do so and directed the Plaintiff to approach the competent authority. The Plaintiff has stated that she has issued statutory notice under Section 80 of CPC., to the Defendants demanding to change her name as before. The Defendants failed to comply with the demands, hence, prays for decree in her favour.

3) The Defendants in spite of service of summons failed to enter their appearance in this suit, hence, they were placed exparte.

4) Heard. Perused the pleadings and the records placed in this suit.

5) The point that arises for my consideration is :-

“ Whether the Plaintiff is entitled to the relief as prayed for?”

6) The General Power of Attorney holder of the Plaintiff has been examined as P.W.1 and got marked Exs.P.1 to P.14 on behalf of the Plaintiff in this suit.

7) My answer to the above point is in the **affirmative** for the following :

REASONS

8) The Plaintiff in her plaint has stated that, she has studied 5th Standard in Kinder Garden, wherein her name has been entered as 'MEGHASHREE.M'. She changed her name in the year 2009 as 'M.CHANDANA' by way of affidavit sworn to before Notary Public. Later, she got admitted to Goutham Public School, Bangalore, where she has completed her SSLC. Pursuant to change of name, her name has been entered as 'CHANDANA.M' in all the records. She is a physically challenged person and has applied for pension facility which is provided for physically challenged people by the Government of Karnataka. She is availing the said facility. She intends to continue her original name 'MEGHA

SHREE.M'. She made oral request to the authorities of Goutham Public School to change her name, but they refused to do so and directed her to approach the competent authority. The Plaintiff, therefore, issued statutory notice under Section 80 of CPC., to the Defendants requesting to change her name as before, but they have failed to comply with the demands made by the Plaintiff and therefore, it has become necessary for the Plaintiff to file this suit.

9) The father/General Power of Attorney holder of the Plaintiff has been examined in this suit as P.W.1. He has re-iterated the plaint averments on oath. Plaintiff has produced documents at Exs.P.1 to P.14. Ex.P.1-General Power of Attorney, executed by Plaintiff in favour of her father Sri.Manjunath.H authorizing him to initiate the suit for declaration and to do all other acts and deeds for due prosecution of the suit. Ex.P.2-Legal Notice dated 11.07.2017, issued by the Plaintiff to the Defendants under Section 80 of CPC., to comply with the

demand made in the said notice. Exs.P.3 to P.5 are postal receipts for having addressed Ex.P.2 to the Defendants. From Exs.P.2 to P.5 it can be said that the Plaintiff has complied with mandatory requirement under Section 80 of CPC., before instituting this suit against the Government officials. Ex.P.6 is Admission Ticket for II PUC Examination, wherein, the Plaintiff's name is entered as 'CHANDANA.M'. Ex.P.7 is the order issued by Special Tahsildar, Bangalore North Taluk, wherein, the Plaintiff has been provided with government facility for physically challenged person. In Ex.P.7, the name of the Plaintiff is entered as 'M.MEGHASHREE' and it has been issued on 30.09.2008. Ex.P.8 is the Affidavit sworn in by the father of the Plaintiff on behalf of the Plaintiff, wherein, he has made a declaration to the effect that he has changed the name of his daughter from 'MEGHASHREE.M' TO 'M.CHANDANA'. This affidavit is sworn on 03.04.2009 before the Notary Public. Ex.P.9 is the 5th Standard Result Sheet of the Plaintiff, wherein, her name is

entered as 'MEGASHREE.M'. Ex.P.10 is the SSLC Marks Card, wherein, the name of the Plaintiff is entered as 'CHANDANA.M'. Ex.P.11 is the 7th Standard Marks report of the Plaintiff issued by Goutham Public School, wherein, her name is shown as 'CHANDANA.M'. Ex.P.12 is the 8th Standard progress report of the Plaintiff, wherein, Plaintiff's name is entered as 'CHANDANA.M'. Ex.P.13 is the Study Certificate of the Plaintiff issued by Indian Primary School, Basaveshwaranagar, Bangalore, wherein, the Plaintiff studied 3rd Standard to 5th standard. In Ex.P.13, the name of the Plaintiff is entered as 'MEGHASHREE.M'. Ex.P.14 is the Aadhaar Card of the Plaintiff, which stands in her original name 'MEGHASHREE.M'.

10) From the oral and documentary evidence, it is clear that the Plaintiff's original name is 'MEGHASHREE.M' which has been established at Exs.P.7, P.8, P.9 and P.13. Ex.P.13 is the important document, wherein, it has been mentioned that the

Plaintiff studied 3rd Standard to 5th Standard from 2007-08 to 2009-10. Her childhood name has been entered in Ex.P.13. Also Ex.P.7 must be taken into consideration, which is the order for granting government facility to physically challenged person, wherein, the Plaintiff's name has been mentioned as 'MEGHASHREE.M'. It was issued on 30.09.2008. From these two documents, it can be said that till 2009-10 the Plaintiff's childhood name was 'MEGHASHREE.M', thereafter, by way of affidavit at Ex.P.8, her childhood name was changed to 'CHANDANA.M' from 03.04.2009 i.e. from the date of swearing affidavit by the father of the Plaintiff. Later, assumed name has been entered in SSLC and II PUC educational records. From the evidence of P.W.1 as deposed in para-5 of the examination-in-chief, it appears that the Plaintiff has been availing benefit available for physically challenged person from the Government in her childhood name, she intends to continue her name as 'MEGHASHREE.M' as mentioned in Exs.P.7 to P.13. In view of far

reaching consequences, Plaintiff has genuinely filed this suit for declaration to change her name as before and consequential changes in all educational record of schools in which she studied. Moreover, the Plaintiff, before filing this suit, has issued legal notice to the Defendants as contemplated under Section 80 of CPC., seeking necessary correction in the school records. Despite the notice thus given, the Defendants have not addressed her grievance. More so, in spite of service of suit summons, the Defendants failed to mark their appearance in this suit and contest the same, hence, the Plaintiff's suit remained unchallenged.

11) For the foregoing discussions, I am of the opinion that the documentary evidence coupled with oral evidence clearly establish the case of the Plaintiff and there are no impediments to decree the suit. Accordingly, I answer the above point in the **affirmative** and proceed to pass the following :

O R D E R

(1) The suit of the Plaintiff is hereby decreed.

(2) It is hereby declared that Plaintiff's name as 'MEGHASHREE.M'.

(3) The Defendants are hereby directed to effect necessary changes in all the educational records of the Plaintiff by rectifying the name of the Plaintiff as 'MEGHASHREE.M' instead of 'M.CHANDANA'

(4) Draw decree accordingly.

(Dictated to the Judgment Writer, transcribed and computerized by her, transcript thereof corrected and then pronounced by me in open court, dated this the **4th day of December, 2018.**)

(RAMA NAIK)

VI Addl.City Civil & Sessions Judge,
Bengaluru City.

A N N E X U R E

I. List of witnesses examined on behalf of :

(a) **Plaintiff's side :**

P.W.1 – Sri.H.Manjunath, dd.15.03.2018

(b) **Defendant's side : N I L**

II. List of documents exhibited on behalf of :

(a) **Plaintiff's side :**

Ex.P.1 – General Power of Attorney
dtd.24.01.2018

Ex.P.2 – Legal Notice dated 11.07.2017

Exs.P.3 to P.5 – Postal Receipts

Ex.P.6 – Admission Ticket for II PUC Examination
of Plaintiff-CHANDANA.M

Ex.P.7 – Government Order for grant of
physically challenged pension

Ex.P.8 – Notarized copy of Affidavit of
Sri.H.Manjunath

Ex.P.9 – Notarized copy of Result Sheet for II
Semester Exam of MEGHASHREE.M issued
by Indian High School

Ex.P.10 – SSLC Marks Card of Plaintiff-
CHANDANA.M

Ex.P.11 – Progress Report of Plaintiff issued by
Goutham Public School

Ex.P.12 - Progress Report of Plaintiff issued by
Goutham Public School

Ex.P.13 - Study Certificate of MEGHASHREE.M'A
issued by Indian Primary School

Ex.P.14 -Notarized copy of Aadhaar Card of
MEGHASHREE.M

(b) **Defendant's side : N I L**

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VI Addl.City Civil & Sessions Judge
Bengaluru City.