

IN THE COURT OF SUB JUDGE, SRINAGAR

CNR No. JKSG02-0024312023

Case No. 1378/2023

Date of Institution. 20.06.2023

Date of Order: 29.12.2025

In the case of:

1. Ashish Gupta S/O Late Mohan Lal Gupta
R/O 918, Janipur Colony Jammu
A/P Friends Colony Lane No.9 Kursoo Padshal Bagh Srinagar
 2. Anju Gupta Aged 47 Years W/O Ashish Gupta
R/O 918, Janipur Colony Jammu
A/P Friends Colony Lane No.9 Kursoo Padshal Bagh Srinagar
 3. Mehak Gupta Aged 26 Years D/O Ashish Gupta
R/O 918, Janipur Colony Jammu
A/P Friends Colony Lane No.9 Kursoo Padshai Bagh Srinagar
 4. Harsh Gupta Aged 20 Years S/O Ashish Gupta
R/O 918, Janipur Colony Jammu
A/P Friends Colony Lane No.9 Kursoo Padshai Bagh Srinagar
-Plaintiffs

Through: Adv. Altaf Mehraj

V/S

1. Union Territory of Jammu and Kashmir Through Chief Secretary to Government, Civil Secretariat Srinagar/Jammu
2. Commissioner Secretary to Govt. Revenue Department Civil Secretariat Srinagar/Jammu
3. Secretary to Government Central Board of School Education New Delhi

4. Director General Central Bureau of Communication Ministry of Information and Broadcasting New Delhi.
5. Additional Director General Central Bureau of Communication Chandigarh
6. Director Central Bureau of Communication Regional Office Media Centre Radio Colony Panjtirthi Jammu.
7. Public at Large.

...Defendants

Through: Defendants are in ex-parte

In the matter of: Suit for declaration and mandatory injunction

Coram: Junaid Imtiaz Mir

UID Code.JK00219

JUDGMENT

1. By virtue of this judgment I will dispose off the above titled suit.
2. In the suit it has been stated that the present suit is being filed by the plaintiff against the defendants seeking decree of declaration declaring the plaintiffs as Muslims and their Islamic names as Abdul Wahied, Shameem Akhter, Mehak Sheikh and Hamza Sheikh respectively. The plaintiffs are all residents of Jammu province and have their properties situated at Jammu. However, the plaintiffs have moved to the Kashmir valley in early nineties and have settled here as such are residing at the address indicated in title of the plaint at Srinagar presently. That under Article 25 of the Constitution of India every citizen of India has been guaranteed the right to freedom of conscience and the right to freely profess, practice and propogate religion. This right exists irrespective of the place of birth and residence of a citizen of the country. Therefore, in other words the said right of right to religion is a right which is available to the corpus of a person. Plaintiff No.1 was born in a family which was practicing the Hindu religion

while as the plaintiff No.2 was born in a family, which was practicing the religion of Islam. As a consequence of the choice of plaintiff No.1 and 2, the Plaintiffs 1 and 2 contracted marriage and the plaintiff No.2 embraced the religion of Hinduism. Prior to embracing Hindu religion, the plaintiff No.2 was named as "Shameem Akhter" and after that plaintiff No.2 was named as "Anju Gupta". Post to their marriage, the plaintiffs 1 and 2 continued to practice the Hindu religion in their day-to-day life. Accordingly, the children i.e. plaintiff No.3 and 4 were begotten out of the marriage in between plaintiff No.1 and 2. Since, the plaintiffs are educated and therefore are aware about their rights guaranteed to them by the Constitution of India. Moreover, the plaintiffs are aware about the secular nature of the country and the right to freedom of professing and practicing any religion within the country under Article 25 of the Constitution. The plaintiffs after knowing the teachings of Islam took a decision to embrace Islam and to practice the Islamic religion in their day to day life. Therefore, it was in the year 2009 that the plaintiffs embraced Islam and accordingly made a declaration with respect to being persons practicing the religion of Islam. In this connection, the plaintiffs executed a declaration with respect to having converted to the religion of Islam and to practice and to lead their life as Muslims. Since the Plaintiffs before converting to Islam were belonging to the Hindu religion, as such, their names were based in accordance to the names which are familiar amongst Hindus. As a consequence, the names of the plaintiffs were recorded in the official records in accordance to the names which the plaintiffs had, while the plaintiffs were professing the Hindu religion. The records like the revenue record, the educational qualification records and the records in the service book of the plaintiff No.1 were accordingly entered in accordance to the names of the plaintiffs while the plaintiffs were Hindus. Since the plaintiffs at the

time of their conversion to Islamic faith were living in the middle of a Hindu dominated society, as such, the plaintiffs as a matter of security and safety of their lives took a decision not to disclose the same to the general public. The plaintiffs also on account of the safety of their lives also decided not to seek the relevant changes in the relevant records in accordance to the name changes of the plaintiffs from Hindu names to the Muslim names. Plaintiffs after having moved to Srinagar, which is a Muslim majoritarian society, as such, the plaintiffs took steps by approaching the concerned authorities including the official defendants to reflect and to make necessary changes of their names post to the conversion of the plaintiffs to the Islamic faith. The defendants accordingly were requested to make the necessary changes in the relevant records maintained by the official defendants with respect to the plaintiffs viz-a-viz their change in religion. Plaintiffs were accordingly expecting the incorporation of the necessary requirements/changes in their relevant records on part of the defendants in their official records pertaining to the plaintiffs. However, till date the defendants have failed to incorporate the changes in the records of the plaintiffs. The new names of the plaintiffs are;

Plaintiff No.	Old name	New name
1	Ashish Gupta	Abdul Wahied
2	Anju Gupta	Shameem Akhter
3	Mehak Gupta	Mehak Sheikh
4	Harsh Gupta	Hamza Sheikh

The plaintiff prayed for;

- a. *A decree in the nature of declaration declaring the plaintiffs as Muslims and their Islamic names as “Abdul Wahied” “Shameem” “Akhter Mehak” “Sheikh Hamza Sheikh” respectively.*
- b. *A decree in the nature of mandatory injunction commanding the*

defendants to effect the necessary changes with respect to the plaintiffs in their records maintained by them.

3. Upon presentation of the plaint, summons were served to defendants, but the defendants remained continuously absent, as such ex-parte proceedings were initiated against them and plaintiffs were directed to lead evidence in ex-parte. Plaintiffs have submitted 6 witness affidavit in ex-parte.
4. Before proceeding ahead it would be apt to go through the evidence lead by the plaintiff in support of his assertions.

Plaintiff witness no. 1 namely Mohammad Shahid S/o Mohammad Taj R/o Poonch. He has stated that he is acquainted with the plaintiffs in the present case and knows them personally. The deponent has full knowledge of the facts and circumstances leading to the present suit for declaration and mandatory injunction. The deponent is personally aware of the religious faith of the plaintiffs prior to their conversion to Islam and deponent is also aware of their decision to embrace Islam. The plaintiffs after embracing Islam, adopted the Islamic names as under;

Plaintiff No.	Former name	New Islamic name
1	Ashish Gupta	Abdul Wahied
2	Anju Gupta	Shameem Akhter
3	Mehak Gupta	Mehak Sheikh
4	Harsh Gupta	Hamza Sheikh

The deponent has seen the plaintiffs following Islamic customs, rituals, and practices in their daily life since their conversion. The deponent aware that the plaintiffs have made a formal declaration of conversion to Islam, which has been duly executed and is on record in the present proceedings. The plaintiffs approached the concerned authorities to effect necessary changes in their official records to reflect their Islamic names and religion, but the same has not yet been incorporated.

Deponent is seeking a decree in the nature of declaration declaring the plaintiffs as Muslims and their Islamic names as “Abdul Wahied” “Shameem” “Akhter Mehak” “Sheikh Hamza Sheikh” respectively.

Plaintiff witness no. 2 namely Sikander S/o Late Nazir Ahmad R/o Chaktroo Poonch presently residing at Kursoo Rajbagh Srinagar. He has stated that he is acquainted with the plaintiffs in the present case and knows them personally as plaintiff no.2 is the sister of deponent. The deponent has full knowledge of the facts and circumstances leading to the present suit for declaration and mandatory injunction. Plaintiff No.1 was born in a family which was practicing the Hindu religion while as the plaintiff No.2 was born in a family, which was practicing the religion of Islam. As a consequence of the choice of plaintiff No.1 and 2, the plaintiffs 1 and 2 contracted marriage and the plaintiff No.2 embraced the religion of Hinduism. Prior to embracing Hindu religion, the plaintiff No.2 was named as "Shameem Akhter" and after the plaintiff No.2 was named as "Anju Gupta". Post to their marriage, the plaintiffs 1 and 2 continued to practice the Hindu religion in their day-to-day life. Accordingly, the children i.e. plaintiff No.3 and 4 were begotten out of the marriage in between plaintiff No.1 and 2. Since, the plaintiffs are educated and therefore are aware about their rights guaranteed to them by the Constitution of India. Moreover, the plaintiffs are aware about the secular nature of the country and the right to freedom of professing and practicing any religion within the country under Article 25 of the Constitution. The plaintiffs after knowing the teachings of Islam took a decision to embrace Islam and to practice the Islamic religion in their day to day life. Therefore, it was in the year 2009 that the plaintiffs embraced Islam and accordingly made a declaration with respect to being persons practicing the religion of Islam. In this connection, the plaintiffs executed a declaration with respect to having converted to

the religion of Islam and to practice and to lead their life as Muslims. Since the Plaintiffs before converting to Islam were belonging to the Hindu religion, as such, their names were based in accordance to the names which are familiar amongst Hindus. As a consequence, the names of the plaintiffs were recorded in the official records in accordance to the names which the plaintiffs had, while the plaintiffs were professing the Hindu religion. The records like the revenue record, the educational qualification records and the records in the service book of the plaintiff No.1 were accordingly entered in accordance to the names of the plaintiffs while the plaintiffs were Hindus. Since the plaintiffs at the time of their conversion to Islamic faith were living in the middle of a Hindu dominated society, as such, the plaintiffs as a matter of security and safety of their lives took a decision not to disclose the same to the general public. The plaintiffs also on account of the safety of their lives also decided not to seek the relevant changes in the relevant records in accordance to the name changes of the plaintiffs from Hindu names to the Muslim names. Plaintiffs were accordingly expecting the incorporation of the necessary requirements/changes in their relevant records on part of the defendants in their official records pertaining to the plaintiffs. However, till date the defendants have failed to incorporate the changes in the records of the plaintiffs. The new names of the plaintiffs are;

Plaintiff No.	Former name	New Islamic name
1	Ashish Gupta	Abdul Wahied
2	Anju Gupta	Shameem Akhter
3	Mehak Gupta	Mehak Sheikh
4	Harsh Gupta	Hamza Sheikh

The deponent is personally aware of the religious faith of the plaintiffs prior to their conversion to Islam and deponent is also aware of their

decision to embrace Islam. Despite our requests to the concerned authorities for changing our names and religion in official records, no action has been taken. Deponent is seeking a decree in the nature of declaration declaring the plaintiffs as Muslims and their Islamic names as “Abdul Wahied” “Shameem” “Akhter Mehak” “Sheikh Hamza Sheikh” respectively.

Plaintiff witness no. 3 namely Abid Ahmad Pinchoo S/o Ghulam Mohi ud din Pinchoo R/o Mehjoor Nagar Srinagar. He has stated that the he is acquainted with the plaintiffs in the present case and knows them personally as deponent is the neighbor of the plaintiffs. The deponent has full knowledge of the facts and circumstances leading to the present suit for declaration and mandatory injunction. Plaintiff No.1 was born in a family which was practicing the Hindu religion while as the plaintiff No.2 was born in a family, which was practicing the religion of Islam. As a consequence of the choice of plaintiff No.1 and 2, the plaintiffs 1 and 2 contracted marriage and the plaintiff No.2 embraced the religion of Hinduism. Prior to embracing Hindu religion, the plaintiff No.2 was named as "Shameem Akhter" and after the plaintiff No.2 was named as "Anju Gupta". Post to their marriage, the plaintiffs 1 and 2 continued to practice the Hindu religion in their day-to-day life. Accordingly, the children i.e. plaintiff No.3 and 4 were begotten out of the marriage in between plaintiff No.1 and 2. Since, the plaintiffs are educated and therefore are aware about their rights guaranteed to them by the Constitution of India. Moreover, the plaintiffs are aware about the secular nature of the country and the right to freedom of professing and practicing any religion within the country under Article 25 of the Constitution. The plaintiffs after knowing the teachings of Islam took a decision to embrace Islam and to practice the Islamic religion in their day to day life. Therefore, it was in the year 2009 that the plaintiffs embraced Islam and accordingly

made a declaration with respect to being persons practicing the religion of Islam. In this connection, the plaintiffs executed a declaration with respect to having converted to the religion of Islam and to practice and to lead their life as Muslims. Since the Plaintiffs before converting to Islam were belonging to the Hindu religion, as such, their names were based in accordance to the names which are familiar amongst Hindus. As a consequence, the names of the plaintiffs were recorded in the official records in accordance to the names which the plaintiffs had, while the plaintiffs were professing the Hindu religion. The records like the revenue record, the educational qualification records and the records in the service book of the plaintiff No.1 were accordingly entered in accordance to the names of the plaintiffs while the plaintiffs were Hindus. Since the plaintiffs at the time of their conversion to Islamic faith were living in the middle of a Hindu dominated society, as such, the plaintiffs as a matter of security and safety of their lives took a decision not to disclose the same to the general public. The plaintiffs also on account of the safety of their lives also decided not to seek the relevant changes in the relevant records in accordance to the name changes of the plaintiffs from Hindu names to the Muslim names. Plaintiffs were accordingly expecting the incorporation of the necessary requirements/changes in their relevant records on part of the defendants in their official records pertaining to the plaintiffs. However, till date the defendants have failed to incorporate the changes in the records of the plaintiffs. The new names of the plaintiffs are;

Plaintiff No.	Former name	New Islamic name
1	Ashish Gupta	Abdul Wahied
2	Anju Gupta	Shameem Akhter
3	Mehak Gupta	Mehak Sheikh
4	Harsh Gupta	Hamza Sheikh

The deponent has seen the plaintiffs following Islamic customs, rituals, and practices in their daily life since their conversion. The deponent aware that the plaintiffs have made a formal declaration of conversion to Islam, which has been duly executed and is on record in the present proceedings. The plaintiffs approached the concerned authorities to effect necessary changes in their official records to reflect their Islamic names and religion, but the same has not yet been incorporated. Deponent is seeking a decree in the nature of declaration declaring the plaintiffs as Muslims and their Islamic names as “Abdul Wahied” “Shameem” “Akhter Mehak” “Sheikh Hamza Sheikh” respectively.

Plaintiff witness no. 4 namely Bilal Ahmad Wahid S/o Abdul Wahid R/o 918 Janipur Colony Jammu A/p Friends Colony Lane No.9 Kursoo Padshahi Bagh Srinagar. He has stated that the he is acquainted with the plaintiffs in the present case and knows them personally as deponent is the son of plaintiff no.1 and 2 and sibling of plaintiff no. 3 and 4. The deponent has full knowledge of the facts and circumstances leading to the present suit for declaration and mandatory injunction. Plaintiff No.1 was born in a family which was practicing the Hindu religion while as the plaintiff No.2 was born in a family, which was practicing the religion of Islam. As a consequence of the choice of plaintiff No.1 and 2, the plaintiffs 1 and 2 contracted marriage and the plaintiff No.2 embraced the religion of Hinduism. Prior to embracing Hindu religion, the plaintiff No.2 was named as "Shameem Akhter" and after the plaintiff No.2 was named as "Anju Gupta". Post to their marriage, the plaintiffs 1 and 2 continued to practice the Hindu religion in their day-to-day life. Accordingly, the children i.e. plaintiff No.3 and 4 were begotten out of the marriage in between plaintiff No.1 and 2. Since, the plaintiffs are educated and therefore are aware about their rights guaranteed to them by the Constitution of India. Moreover, the plaintiffs are aware about the

secular nature of the country and the right to freedom of professing and practicing any religion within the country under Article 25 of the Constitution. The plaintiffs after knowing the teachings of Islam took a decision to embrace Islam and to practice the Islamic religion in their day to day life. Therefore, it was in the year 2009 that the plaintiffs embraced Islam and accordingly made a declaration with respect to being persons practicing the religion of Islam. In this connection, the plaintiffs executed a declaration with respect to having converted to the religion of Islam and to practice and to lead their life as Muslims. Since the Plaintiffs before converting to Islam were belonging to the Hindu religion, as such, their names were based in accordance to the names which are familiar amongst Hindus. As a consequence, the names of the plaintiffs were recorded in the official records in accordance to the names which the plaintiffs had, while the plaintiffs were professing the Hindu religion. The records like the revenue record, the educational qualification records and the records in the service book of the plaintiff No.1 were accordingly entered in accordance to the names of the plaintiffs while the plaintiffs were Hindus. Since the plaintiffs at the time of their conversion to Islamic faith were living in the middle of a Hindu dominated society, as such, the plaintiffs as a matter of security and safety of their lives took a decision not to disclose the same to the general public. The plaintiffs also on account of the safety of their lives also decided not to seek the relevant changes in the relevant records in accordance to the name changes of the plaintiffs from Hindu names to the Muslim names. Plaintiffs were accordingly expecting the incorporation of the necessary requirements/changes in their relevant records on part of the defendants in their official records pertaining to the plaintiffs. However, till date the defendants have failed to incorporate the

changes in the records of the plaintiffs. The new names of the plaintiffs are;

Plaintiff No.	Former name	New Islamic name
1	Ashish Gupta	Abdul Wahied
2	Anju Gupta	Shameem Akhter
3	Mehak Gupta	Mehak Sheikh
4	Harsh Gupta	Hamza Sheikh

The deponent has seen the plaintiffs following Islamic customs, rituals, and practices in their daily life since their conversion. The deponent aware that the plaintiffs have made a formal declaration of conversion to Islam, which has been duly executed and is on record in the present proceedings. The plaintiffs approached the concerned authorities to effect necessary changes in their official records to reflect their Islamic names and religion, but the same has not yet been incorporated. Deponent is seeking a decree in the nature of declaration declaring the plaintiffs as Muslims and their Islamic names as "Abdul Wahied" "Shameem" "Akhter Mehak" "Sheikh Hamza Sheikh" respectively.

Plaintiff witness no. 5 namely Harsh Gupta @ Hamza Sheikh S/o Ashish Gupta @ Abdul Wahied R/o 918 Janipur Colony Jammu A/p Friends Colony Lane No.9 Kursoo Padshahi Bagh Srinagar He has stated that he is plaintiff no.4 in the present case and is fully conversant with the facts and circumstances of the case. Plaintiff No.1 was born in a family which was practicing the Hindu religion while as the plaintiff No.2 was born in a family, which was practicing the religion of Islam. As a consequence of the choice of plaintiff No.1 and 2, the plaintiffs 1 and 2 contracted marriage and the plaintiff No.2 embraced the religion of Hinduism. Prior to embracing Hindu religion, the plaintiff No.2 was named as "Shameem Akhter" and after the plaintiff No.2 was named as "Anju Gupta". Post to their marriage, the plaintiffs 1 and 2 continued to practice the Hindu

religion in their day-to-day life. Accordingly, the children i.e. plaintiff No.3 and 4 were begotten out of the marriage in between plaintiff No.1 and 2. Since, the plaintiffs are educated and therefore are aware about their rights guaranteed to them by the Constitution of India. Moreover, the plaintiffs are aware about the secular nature of the country and the right to freedom of professing and practicing any religion within the country under Article 25 of the Constitution. The plaintiffs after knowing the teachings of Islam took a decision to embrace Islam and to practice the Islamic religion in their day to day life. Therefore, it was in the year 2009 that the plaintiffs embraced Islam and accordingly made a declaration with respect to being persons practicing the religion of Islam. In this connection, the plaintiffs executed a declaration with respect to having converted to the religion of Islam and to practice and to lead their life as Muslims. Since the Plaintiffs before converting to Islam were belonging to the Hindu religion, as such, their names were based in accordance to the names which are familiar amongst Hindus. As a consequence, the names of the plaintiffs were recorded in the official records in accordance to the names which the plaintiffs had, while the plaintiffs were professing the Hindu religion. The records like the revenue record, the educational qualification records and the records in the service book of the plaintiff No.1 were accordingly entered in accordance to the names of the plaintiffs while the plaintiffs were Hindus. Since the plaintiffs at the time of their conversion to Islamic faith were living in the middle of a Hindu dominated society, as such, the plaintiffs as a matter of security and safety of their lives took a decision not to disclose the same to the general public. The plaintiffs also on account of the safety of their lives also decided not to seek the relevant changes in the relevant records in accordance to the name changes of the plaintiffs from Hindu names to the Muslim names. Plaintiffs were accordingly expecting the

incorporation of the necessary requirements/changes in their relevant records on part of the defendants in their official records pertaining to the plaintiffs. However, till date the defendants have failed to incorporate the changes in the records of the plaintiffs. The new names of the plaintiffs are;

Plaintiff No.	Former name	New Islamic name
1	Ashish Gupta	Abdul Wahied
2	Anju Gupta	Shameem Akhter
3	Mehak Gupta	Mehak Sheikh
4	Harsh Gupta	Hamza Sheikh

Despite our requests to the concerned authorities for changing our names and religion in official records, no action has been taken. Deponent is seeking a decree in the nature of declaration declaring the plaintiffs as Muslims and their Islamic names as "Abdul Wahied" "Shameem" "Akhter Mehak" "Sheikh Hamza Sheikh" respectively.

Plaintiff witness no. 6 namely Ashish Gupta @ Abdul Wahied S/o Late Moham Lal Gupta R/o 918 Janipur Colony Jammu A/p Friends Colony Lane No.9 Kursoo Padshahi Bagh Srinagar He has stated that he is plaintiff no.1 in the present case and is fully conversant with the facts and circumstances of the case. Plaintiff No.1 was born in a family which was practicing the Hindu religion while as the plaintiff No.2 was born in a family, which was practicing the religion of Islam. As a consequence of the choice of plaintiff No.1 and 2, the plaintiffs 1 and 2 contracted marriage and the plaintiff No.2 embraced the religion of Hinduism. Prior to embracing Hindu religion, the plaintiff No.2 was named as "Shameem Akhter" and after the plaintiff No.2 was named as "Anju Gupta". Post to their marriage, the plaintiffs 1 and 2 continued to practice the Hindu religion in their day-to-day life. Accordingly, the children i.e. plaintiff No.3 and 4 were begotten out of the marriage in between plaintiff No.1 and 2. Since, the

plaintiffs are educated and therefore are aware about their rights guaranteed to them by the Constitution of India. Moreover, the plaintiffs are aware about the secular nature of the country and the right to freedom of professing and practicing any religion within the country under Article 25 of the Constitution. The plaintiffs after knowing the teachings of Islam took a decision to embrace Islam and to practice the Islamic religion in their day to day life. Therefore, it was in the year 2009 that the plaintiffs embraced Islam and accordingly made a declaration with respect to being persons practicing the religion of Islam. In this connection, the plaintiffs executed a declaration with respect to having converted to the religion of Islam and to practice and to lead their life as Muslims. Since the Plaintiffs before converting to Islam were belonging to the Hindu religion, as such, their names were based in accordance to the names which are familiar amongst Hindus. As a consequence, the names of the plaintiffs were recorded in the official records in accordance to the names which the plaintiffs had, while the plaintiffs were professing the Hindu religion. The records like the revenue record, the educational qualification records and the records in the service book of the plaintiff No.1 were accordingly entered in accordance to the names of the plaintiffs while the plaintiffs were Hindus. Since the plaintiffs at the time of their conversion to Islamic faith were living in the middle of a Hindu dominated society, as such, the plaintiffs as a matter of security and safety of their lives took a decision not to disclose the same to the general public. The plaintiffs also on account of the safety of their lives also decided not to seek the relevant changes in the relevant records in accordance to the name changes of the plaintiffs from Hindu names to the Muslim names. Plaintiffs were accordingly expecting the incorporation of the necessary requirements/changes in their relevant records on part of the defendants in their official records pertaining to

the plaintiffs. However, till date the defendants have failed to incorporate the changes in the records of the plaintiffs. The new names of the plaintiffs are;

Plaintiff No.	Former name	New Islamic name
1	Ashish Gupta	Abdul Wahied
2	Anju Gupta	Shameem Akhter
3	Mehak Gupta	Mehak Sheikh
4	Harsh Gupta	Hamza Sheikh

Thereafter executed a formal declaration of conversion to Islam and since then have been practicing and following the Islamic faith in the daily lives. Initially owing to safety and security concerns deponent and his family refrained from seeking immediate changes in our official records while living in a Hindu-majority area, but after moving to Srinagar, they approached the concerned authorities for necessary corrections in their names and religion in all official documents. Deponent is seeking a decree in the nature of declaration declaring the plaintiffs as Muslims and their Islamic names as “Abdul Wahied” “Shameem” “Akhter Mehak” “Sheikh Hamza Sheikh” respectively.

5. On the request of the counsel of the plaintiffs by virtue of order dated 14.10.2025, the right of the plaintiffs to produce further witnesses was closed.
6. Arguments were advanced by the Ld. Counsel for the plaintiffs in ex parte, reiterating the pleadings and praying for the relief sought.
7. The arguments were advanced by the Ld. Counsel for the plaintiff in ex parte. The plaintiff has relied upon 5 witnesses namely Mohd Shahid, Sikander, Abid Ahmad Pinchoo, Bilal Ahmad Wahid, Harsh Gupta including the plaintiff himself. The witnesses of the plaintiff have reiterated the claim of the plaintiffs and have supported the plaintiff's version. I have also gone through the record. The Plaintiffs claim that they have embraced the faith of Islam in the year 2009.

Pertaining to that averment a photocopy of an affidavit has been annexed which is dated 14/3/2009 along with copy of a newspaper clipping of the same year, in which a News has been published by the Newspaper in Jammu, about Plaintiffs having had embraced the faith of Islam, which reveals that the plaintiffs have embraced the faith of Islam in the year 2009. A copy of declaration deed dated 14/9/2020 executed at Jammu by Defendant 4 is annexed wherein he has declared to have embraced the religion of Islam. Besides that declaration of all the Plaintiffs dated 12/12/2020 has been annexed and plaintiffs have adopted the faith of Islam and have changed their names. It is pertinent to mention that as per the plaint, Plaintiff 2 was born in a Muslim family and adopted the faith of Hinduism after marrying Plaintiff 1 in the year 1993 and changed her name from 'Shameem Akhter' to ' Anju Gupta'. However, in the year 2009, the whole family i.e Plaintiffs have changed the faith to Islam and have taken up different names i.e Plaintiff 1 from Ashish Gupta to Abdul Wahied, plaintiff 2 from Anju Gupta to Shameem Akhter, plaintiff No.3 from Mehak Gupta to Mehak Sheikh, plaintiff no.4 from Harsh Gupta to Hamza Sheikh.

8. The defendants have caused their appearance through Counsels. The defendant 'public at large' at large had also been informed through newspapers about the institution of suit, however none turned up, and meaning thereby that the claims of the plaintiff have gone uncontested. The plaintiffs being major seem to have voluntarily taken the steps to change their faith and have been living as Muslims for the last 16 years since 2009. Since, the defendants despite causing appearance didn't contest the claim of plaintiff, this court believes that Plaintiffs prayers deserves to be allowed as there is no factual or legal reason to deny the same. The Counsels for the defendants despite appearing for a number of hearings suddenly abandoned the suit

midway and there was no option to the court, than to proceed in ex parte against the defendants, take evidence in ex parte and hear the final arguments in absence of the defendants. Accordingly, the suit of the Plaintiff is allowed.

9. In the present case, the Plaintiffs have been professing the new faith for the last 16 years and are also residing and identifying themselves with the changed name, the factum of change of religion and names stands established from the material on record and is not seriously disputed by the defendants even when they had appeared. Once the plaintiffs personal choice of faith and names are already in existence and recognized in practice, a formal declaratory relief is not necessary for adjudicating the present dispute as being redundant, however, since the plaintiffs are already exercising their constitutional right to adopt a faith and name of his choice, the defendants authority is under a legal obligation to carry out necessary corrections in its records so as to reflect the Plaintiffs current identity. Accordingly, a decree for mandatory injunction is passed directing the defendants to rectify the relevant records in terms of the Plaintiff's present faith and names above mentioned. In terms of the above directions the suit is disposed of. Decree sheet be prepared accordingly. Suit after due compilation be consigned to records.

Announced:

29.12.2025

(Junaid Imtiaz Mir)

Sub Judge Srinagar