

KABG040000932026



Presented on : 13-01-2026

Registered on : 21-01-2026

Decided on : 09-06-2026

Duration : 0 years, 4 months, 27 days

IN THE COURT OF IV ADDL. CIVIL JUDGE AND JMFC, BELAGAVI.

**PRESENT: BHUVANESHWARI D. BA, LLB (Hon's), LLM.
IV Addl. Civil Judge & JMFC.,
Belagavi.**

Dated, on this 09th day of June, 2026

ORIGINAL SUIT No.64/2026

PLAINTIFF:	1. Smt. Laxmi Bellivali, W/o. Late Mahantesh R. Bellivali, (Before Marriage Channavva Shivanagouda Patil) Age : 30 years, Occ: Service, R/o: At Post: Sutagatti, Deshnur, Sampgaon, Belagavi.
(By Sri. P. S. Paramashetti, Advocate)	

V/s.

DEFENDANTS:	1. The State of Karnataka, Represented by Deputy Commissioner, Belagavi. 2. The Deputy Director /Assistant Director, Backward Classes Welfare Department
--------------------	--

	Belagavi District.
(District Government Pleader)	

Date of institution of the suit	13.01.2026		
Nature of the suit	Declaration and Mandatory Injunction		
Date of commencement of recording of the evidence	28.04.2026		
Date on which judgment was pronounced	09.06.2026		
Total duration	Year	Months	Days
	00	04	27

**(Bhuvaneshwari D.),
IV Addl. Civil Judge & JMFC,
Belagavi.**

JUDGMENT

The suit is instituted by the plaintiff contending the following facts which are summarized as under :

The plaintiff submits that her name was Channavva Shivanagouda Patil. Further she submits that after her marriage with Mahantesh R. Bellivali her name was changed as Smt. Laxmi Mahantesh Bellivali which was stated to be reflected in her

subsequent official records. The plaintiff contending that her husband is deceased and she has to file application to get job on compassionate grounds and stating that during the verification of service records and other related documents the variation in the plaintiff's name before and after marriage is noticed and written letter was given on 05.01.2026 wherein the plaintiff was directed to obtain declaratory decree from competent Civil court. It is further submitted that original documents are in the custody of defendant No. 2. This suit is filed to obtain declaration in order to prevent hardship that is likely to be caused in availing service benefits of her husband due to variation in the name of plaintiff.

2. Pursuant to the service of summons, the defendant No.1 and 2 that is the Government authority appeared through DGP and defendant No.2 has filed written statement and defendant No. 1 adopted the written statement of defendant No.2 by filing adoption memo.

3. Per contra, refuting the contentions taken by the plaintiff, the defendants submitted that the plaintiffs have pleaded false facts and contended the suit is liable to be dismissed submitting that the cause of action shown in the plaint is imaginary and the suit is barred by limitation and hit by the principle of mis-joinder of the parties and they have not complied the mandate laid down Under Section 80 of CPC. The defendants claim that they have

mentioned the name as per the information given by the plaintiff and the plaintiff has not sought to change her name in the service records of her husband at the earliest stage and contended that this Court has no jurisdiction to entertain the suit. Accordingly they submit the suit is not maintainable in the eyes of law and on these grounds sought for dismissal of suit.

4. On the basis of pleadings of the parties and documents produced at the initial stage, considering the material propositions that are affirmed by one party and are denied by other party by laying emphasis on the statutory provision laid down in Order XIV Rule 1 of CPC, has framed following;

ISSUES

1. **Whether the plaintiff proves that her name is “Channavva Shivanagouda Patil” before marriage and “Smt. Laxmi Mahantesh Bellivali” after marriage ?**
2. **Whether the defendants prove that the suit of the plaintiff is not maintainable for the grounds contended in the written statement?**
3. **Whether the plaintiff is entitled to the relief of declaration and consequential relief of mandatory injunction to record her name as Smt. Laxmi Mahantesh Bellivali in her records?**

4. What Order or Decree?

5. The plaintiff was examined herself as PW-1 and furnished affidavit in lieu of the examination-in-chief and has got marked Ex.P1 to Ex.P6. Since the defendants have appeared through Government Pleader, no evidence is placed on record on their behalf.

6. Heard learned Counsel for plaintiff Shri.P.S.S. who reiterated the plaint pleadings and by relying on documents adduced by them sought for decreeing the suit.

7. Heard learned DGP counsel for defendants No.1 and 2 who submitted that the suit is not maintainable and submitted that no materials are available on record to grant the relief sought by the plaintiffs.

8. Perused the oral and documentary evidence on record and having due regard to the law governing the facts of the suit and placing emphasis on the arguments canvassed by both the counsels this Court answers the below enunciated issues as under:

<i>Issue No.1</i>	<i>In the Affirmative</i>
<i>Issue No.2</i>	<i>In the Negative</i>
<i>Issue No.3</i>	<i>Partly in the Affirmative</i>

<i>Issue No.4</i>	<i>As per final order for the following reasons;</i>
--------------------------	---

REASONS

9. Issue No. 2 : Whether the defendants prove that the suit of the plaintiff is not maintainable for the grounds contended in the written statement?

This issue pertains to the aspect of maintainability hence discussion on this issue is vital before proceeding to discuss on further issues. It is the contention taken up by the defendants in their written statement that the suit is not maintainable. The contention of the defendants is not corroborated as to on what grounds she is claiming that the suit is not maintainable. At this juncture it becomes pertinent to rely on the statutory provision laid down under code of civil procedure which reads as follows:

Order VIII Rule 3. Denial to be specific

It shall not be sufficient for a defendant in his written statement to deny generally the grounds alleged by the plaintiff, but the defendant must deal specifically with each allegation of fact of which he does not admit the truth, except damages.

10. Upon relying on the said provision it is pertinent to note that the suit filed by the plaintiff seeking relief of declaration if not maintainable as contended by the defendants, it ought to have been be pleaded in specific and proved by leading cogent evidence. In this suit the relief sought is in the nature of declaration and mandatory injunction, it is contended by the defendants that the jurisdiction of civil courts is barred and the relief sought cannot be granted. On these grounds it becomes imperative to note that the suit filed by the plaintiffs is maintainable and the defendants have not proved to the satisfaction of the court on the basis of reliable evidence that the suit is not maintainable. The permission for dispensation of notice under Section 80 of CPC is granted at the inception of suit. The plaint averments read in conjunction the facts depicting cause of action show that the suit is filed within the period of limitation.

11. The defendants have contended that this court has no jurisdiction to try the suit without stating under which statutory provision this court lacks jurisdiction to try the suit. Hence, the mere pleading would not suffice to prove the said contentions raised by the defendants. Moreover, the defendants have not lead any evidence on their behalf in order to discharge the burden of proof cast upon them. In the absence of corroborative evidence pleadings alone do not serve as proof of the objections raised by

the defendants. On the basis of these observations **Issue No.2** is answered in the Negative holding that the suit of the plaintiff is maintainable.

12. Issue No.1 :-Whether the plaintiff proves that her name is “Channavva Shivanagouda Patil” before marriage and “Smt. Laxmi Mahantesh Bellivali” after marriage ?

The plaintiff was examined as PW-1 who have filed affidavit in lieu of her examination-in-chief in which the pleadings of the plaint are reiterated. The contention of the plaintiff is corroborated by the documentary evidence by means of the documents marked. Ex.P1 is the letter issued by Social Welfare Department, Belagavi to the plaintiff directing her to obtain decree from competent court in order to avail service benefits of her deceased husband Sri. Mahantesh Rudrappa Bellavali. Ex.P2 is the Aadhar card issued by UIDAI, standing in the name of plaintiff in which her name is shown as “Laxmi Bellivali”. Ex.P3 is the Marriage Invitation Card of deceased Mahantesh and Laxmi Bellavali in which the name of plaintiff’s parents is shown as Shivangouda Irrangouda Patil. Ex.P4 is the Pan Card issued by Income Tax Department, standing in the name of plaintiff in which her name is shown as “Laxmi Bellivali”. Ex.P5 is the PUC marks Card of “Channavva Shivanagouda Patil” in which name of father is shown as Shivanagouda and name of

mother is shown as Shantawwa. Ex.P6 is the SSLC Marks card of “Channavva Shivanagouda Patil”.

13. The said documentary evidence placed before the Court which are marked at Ex.P1 to P4 shows that name of the plaintiff is shown as Laxmi Bellavali. If document marked at Ex.P3 is perused the name of the father of the plaintiff is shown as Shivangouda. In the documents marked at Ex.P5 and Ex.P6 name of the plaintiff's father is shown as Shivangouda wherein as contended by the plaintiff her name is shown as “Channavva Shivanagouda Patil” and also in the marriage invitation card the name of plaintiff is mentioned as Laxmi and Channavva. The said documents serve as proof that plaintiff is called by two names Channavva and Laxmi as averred in the plaint.

14. During the course of the cross-examination the plaintiff has deposed that her name was changed to Laxmi after marriage. She further deposed that the death certificate and service records were given to the counsel and she denied the other suggestions suggesting that the deceased Mahantesh Rudrappa Bellavali was married to Laxmi and not Channavva. She has also deposed that her husband was working as cook at BCM Hostel. Nothing contrary to the evidence produced in the documentary form is elicited by way of oral admission by the defendant.

15. The plaintiff has proved her relationship with Mahantesh Bellavali and she has also proved that name of Channavva Shivanagouda Patil was changed as Smt. Laxmi Mahantesh Bellivali after her marriage by placing reliable evidence on record towards discharging the burden of proof cast on the plaintiff. Hence Issue No.1 is answered in the Affirmative holding that “Channavva Shivanagouda Patil” and “Smt. Laxmi Mahantesh Bellivali” pertains to one person.

16. Issue No.3 : Whether the plaintiff is entitled to the relief of declaration and consequential relief of mandatory injunction to record her name as Smt. Laxmi Mahantesh Bellivali in her records?

The court has given findings on Issue No. 1 answering in the Affirmative which would entail the plaintiff to the relief of declaration.

17. Since, the suit is filed seeking the relief of declaration and mandatory injunction emphasis is placed on Sections 34 and 39 of Specific Relief Act which reads as follows:

“34. Discretion of court as to declaration of status or right”

Any person entitled to any legal character, or to any right as to any property, may institute a

suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief:

Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

Explanation.—A trustee of property is a “person interested to deny” a title adverse to the title of some one who is not in existence, and whom, if in existence, he would be a trustee.

39-Mandatory injunction”

When, to prevent the breach of an obligation, it is necessary to compel the performance of certain acts which the court is capable of enforcing, the court may in its discretion grant an injunction to prevent the breach complained of, and also to compel performance of the requisite acts.

One who seeks the relief of this nature, has to prove to the satisfaction of the Court that she is entitled to such relief by his evidence and has to discharge burden of proof so as to obtain said

relief, as the plaintiff has discharged her burden of proof, she is entitled to a decision in her favor.

18. The plaintiff has also sought for mandatory injunction directing the defendants to recognize the plaintiff's name as "Smt.Laxmi Mahantesh Bellivali". The defendants are Government authority acting according to law, this Court cannot direct them to do the administrative work and they are government authorities and there is no breach of obligation to compel the performance of the act as claimed by plaintiff. Therefore, the Plaintiff is entitled only for the relief of declaration and not entitled for mandatory injunction against the Defendants. **Hence, this Court answers Issue No.3 Partly in the Affirmative.**

19. Issue No.4:- For the aforesaid reasons and discussions, this Court proceeds to pass the following;

ORDER

The suit of the plaintiff for the relief of declaration is hereby decreed.

It is hereby declared that name of the plaintiff is "Channavva Shivanagouda Patil" and "Smt. Laxmi Mahantesh Bellivali".

The suit of the plaintiff for the relief of mandatory injunction against the defendants is hereby dismissed.

No order as to costs, keeping in view the nature of the suit.

Draw decree accordingly.

(Directly dictated to the Stenographer Grade-III directly on computer, typed by her and corrected by me and pronounced in the open Court, on this 09th day of June, 2026).

Sd/-

**(Bhuvaneshwari D.),
IV Addl. Civil Judge & JMFC,
Belagavi.**

ANNEXURES

<u>WITNESSES EXAMINED FOR PLAINTIFF:</u>	
PW-1	Laxmi Bellivali
<u>DOCUMENTS MARKED FOR PLAINTIFF:</u>	
Ex.P1	Letter received from Social Welfare Department
Ex.P2	Aadhar Card
Ex.P3	Marriage Invitation Card
Ex.P4	Pan Card
Ex.P5	Notarized copy of PUC Marks Card
Ex.P6	Notarized copy of SSLC Marks Card

<u>WITNESSES EXAMINED FOR DEFENDANTS:</u>
- Nil -
<u>DOCUMENTS MARKED FOR DEFENDANTS:</u>
- Nil -

sd/

(Bhuvaneshwari D.),
IV Addl. Civil Judge & JMFC,
Belagavi.