

KABG040024772025



Presented on : 01.08.2025

Registered on : 06.08.2025

Decided on : 30.07.2026

Duration : 00 year 11 months 29 days

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

PRESENT: Bhuvaneshwari D. BA, LLB (Hon's), LLM
IV Addl. Civil Judge and JMFC.,
Belagavi.

Dated on this the 30th day of July, 2026

ORIGINAL SUIT No.957/2025

PLAINTIFFS:	1. Shri Bharamana Jotiba Manolkar, Age: 45 years, Occ: Ex. Servicemen, R/o: Ganapat Galli, At/Post: Shinoli Khurd, Tal: Chandgad, Dist: Kolhapur. 2. Kumari Arohi Bharamana Manolkar, Age: 9 years, Occ: Student, R/o: Ganapat Galli, At/Post: Shinoli Khurd, Tal: Chandgad, Dist: Kolhapur Plaintiff No.2 is minor represented through her father plaintiff No.1 as minor Guardian and next friend.
(By Shri V. K. Patil, Advocate)	

V/s.

DEFENDANT:	The Chief Executive Officer, Cantonment Board, Camp, Belagavi.
(Exparte)	

Date of institution of the suit	01.08.2025		
Nature of the suit	Declaration and Mandatory Injunction		
Date of commencement of recording of the evidence	13.03.2026		
Date on which judgment was pronounced	30.07.2026		
Total duration	Year	Months	Days
	00	11	29

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

JUDGMENT

The institution of this suit is for seeking the relief of declaration and mandatory injunction pertaining to correction of name of minor plaintiff in the birth certificate issued by the defendant authority.

2. Brief averments made in the plaint are summarized as under:

The plaintiffs submit that plaintiff No.2 was born on 02.02.2015 at Military Hospital, Belagavi and subsequent to which Birth Certificate was issued and in which her name was mentioned

as “Arohi” alone without her full name as “Arohi Bharamana Manolkar”. The plaintiffs approached the defendant and filed application on 02.08.2024 seeking to correct name of plaintiff No.2 by adding father name and surname in the birth certificate, but it is averred that defendant directed to approach Competent Civil Court. On these grounds in order to rectify the wrong entry made in the Birth Certificate, this suit is filed.

3. Pursuant to due service of summons, the defendant that is the Government authority did not tender their appearance. Hence, the defendant was placed *exparte* on 20.08.2025.

4. Based on the pleadings set forth in the plaint and the documents produced in evidence, the following points arise for the determination of this Court;

POINTS

- 1. Whether the plaintiffs prove that name of plaintiff No.2 was wrongly mentioned incolumn No.1 of the Birth Certificate issued by the defendant?***
- 2. Whether the plaintiffs are entitled to the relief of declaration and mandatory injunction as sough for in the plaint?***
- 3. What order or decree?***

5. The guardian of minor plaintiff i.e., the mother of the plaintiff No.2 was examined as PW-1 and furnished affidavit in lieu of

the examination-in-chief and has got marked Ex.P1 to Ex.P10. Since the defendant has been placed exparte, no evidence is placed on record on their behalf.

6. Heard the arguments canvassed by learned counsel for plaintiff and perused facts sworn in affidavit which was filed in lieu of examination-in-chief and the documents produced in evidence.

7. On careful examination of the entire evidence placed on record, Court answers the aforementioned points in the following;

<i>Point No.1</i>	<i>In the Affirmative,</i>
<i>Point No.2</i>	<i>In the Affirmative,</i>
<i>Point No.3</i>	<i>As per final Order, for the following reasons;</i>

REASONS

8. **POINTS No.1:-** The power of attorney holder of the plaintiff No.1 that is mother of plaintiff No.2 and wife of plaintiff No.1 was examined as PW-1 and has filed an affidavit in lieu of her examination-in-chief and has reiterated the plaint averments. The contention of the plaintiffs is corroborated by the documentary evidence by means of the documents marked at Ex.P1 and Ex.P10. Ex.P1 is the copy of Aadhaar Card of plaintiff No.1. Ex.P2 is the notice under Section 339(4) of Cantonment Act on 22.04.2025. Ex.P3 is the Postal Acknowledgment in respect of service of notice. Ex.P4 is the

endorsement given by defendant on 31.05.2025 in which it is mentioned that the rectification can be made only through the order of the civil court. Ex.P5 is the Aadhaar Card of PW-1. Ex.P6 is the Aadhaar Card of plaintiff No.1. Ex.P7 is the Aadhaar Card of sibling of plaintiff by name Akshara Bharamana Manolkar. Ex.P8 is the Aadhaar Card of plaintiff No.2. Ex.P9 is the Birth Certificate of plaintiff No.2. Ex.P10 is the paper publication taken in daily edition of Hasiru Kranti newspaper.

9. On perusal of all these documents it clearly depicts that the correct and full name of minor plaintiff No.2 is 'Arohi Bharamana Manolkar' and not only 'Arohi' as mentioned in the Birth Certificate of the plaintiff No.2. Hence, the rectification sought for is one, which has to be considered in presence of these reliable documentary proof.

10. Upon careful perusal of the said documents, it is clear that the plaintiffs have adduced sufficient evidence on their behalf in support of their case. On the other hand nothing contrary to the evidence led by the plaintiff has been placed on record by the other side to disprove the claim of the plaintiffs. Based on these observations, the Court is of the view that plaintiffs have proved their case by tendering in cogent evidence. **Accordingly, Point No.1 is answered in the Affirmative.**

11. POINT No.2:- Since, the suit is filed seeking the relief of declaration and mandatory injunction placing emphasis on Sections 34 and 39 of Specific Relief Act would assume relevance. One who seeks the relief of this nature, has to prove to the satisfaction of the Court that he is entitled to such relief by his evidence and has to discharge burden of proof so as to obtain said relief, as the plaintiffs have discharged their burden of proof, they are entitled to a decision in their favour.

12. At this juncture it is pertinent to rely on Paragraph No. 128 to 135 of Judgment of the **Hon'ble High Court of Karnataka (2008) 07 KAR CK 0049 Sri. Ramchandra and others Vs. Sri. Shivaram and others** wherein at Paragrapha No.128 it is held that

“Once the courts below have upheld the claim of the plaintiffs and held that they are entitled to the declaration as sought by them, it goes without saying that from the very nature of the declaration sought by the plaintiffs, they are also entitled for the consequential relief. Mere declaration of title of the plaintiffs as sought by them will not be effective in ensuring that the plaintiffs are able to perform their duties pursuant to the declaration granted in their favour, unless they also seek the consequential relief which will go to make the other prayers for declaration, effective in pith and substance”.

13. Placing reliance on the above said decision it can be noted that the relief of mandatory injunction has to be granted along

with the relief of declaration so as to make the decree efficacious. Hence, the relief sought for, in the plaint is liable to be granted in favour of plaintiffs. **Accordingly, Point No.2 is answered in the Affirmative.**

14. POINT No.3:- For the aforesaid reasons and discussions, this Court proceeds to pass the following;

ORDER

The suit of the plaintiff is hereby decreed.

It is hereby declared that the correct and full name of the plaintiff No.2 is '*Arohi Bharamana Manolkar*'.

Defendant is hereby directed to effect necessary rectification in the column No.1, which has to be mentioned as '*Arohi Bharamana Manolkar*' instead of '*Arohi*' in the Birth Certificate of the plaintiff No.2 issued by Chief Registrar of Birth and Deaths, as per the above order.

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

Draw decree accordingly.

(Dictated to the Stenographer Grade-III directly on computer, typed by her, corrected by me and then pronounced in the open Court, on this the 30th day of July, 2026).

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

ANNEXURES

<u>WITNESSES EXAMINED FOR PLAINTIFFS:</u>	
PW-1	Smt. Rekha W/o. Bharamana Manolkar
<u>DOCUMENTS MARKED FOR PLAINTIFFS:</u>	
Ex.P1	Copy of Aadhaar Card of plaintiff No. 1
Ex.P2	notice under Section 339(4) of Cantonment Act
Ex.P3	Postal acknowledgment
Ex.P4	Endorsement given by defendant
Ex.P5	Aadhaar Card of PW-1
Ex.P6	Aadhaar Card of plaintiff No.1
Ex.P7	Aadhaar Card of sibling of plaintiff
Ex.P8	Aadhaar Card of plaintiff No.2.
Ex.P9	Birth Certificate of plaintiff No.2
Ex.P10	Hasiru Kranti Paper Publication
<u>WITNESSES EXAMINED FOR DEFENDANT:</u>	
- None -	
<u>DOCUMENTS MARKED FOR DEFENDANT:</u>	
- None -	

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