

KABG040030822025



Presented on : 25.09.2025

Registered on : 10.10.2025

Decided on : 29.07.2026

Duration : 00 year, 10 months, 04 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,
AT : BELAGAVI.**

Form No.9
[Civil]
Title
Sheet for
Judgment

Present : **Smt. Preeti L. Malavalli**, B.B.A. LL.B. (Hons.)
Prl. Civil Judge & J.M.F.C., Belagavi.

Dated on this the 29th day of July-2026

ORIGINAL SUIT NO.1185/2025

PLAINTIFF :

1)	Ameena D/o. Jakeerhusain Sanadi, Age : 19 years, Occ : Student, R/o : #1294, 2 nd Cross, Ambedkar Galli, Kakati, Taluk and District : Belagavi.
	(By Shri. B. B. Shettnavar, Adv.)

Vs.

DEFENDANTS :

1)	The State of Karnataka, R/by Deputy Commissioner, Belagavi, Belagavi.
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2)	The Deputy Director of Public Instructions, Belagavi.
3)	The Karnataka School Examination & Assessment Board, Bangaluru, Malleshwaram, Bangaluru.
4)	The Secretary, The Karnataka Secondary Education Board And Ex-Officio Joint Director, Belagavi Division, Belagavi, (Beside AC Office).
5)	The Block Education Office, Belagavi, Urban, Belagavi.
6)	The Block Education Office, Rural Belagavi, Belagavi.
7)	The Head Master, Shri. Banashankari Vidyalaya, English Medium Primary and High School, Kakati, Taluk and District : Belagavi.
8)	The Principal, Shri. Bhagwan Mahaveer Jain, English Medium High School, Bamarge, Taluk and District : Belagavi.
9)	The Principal, SGV Mahesh PU College, Sector No.9, Neelkanteshwarmarg, Near District Balbhavan, Malmaruti, Belagavi.
10)	The Principal, K.L.E. College of Nursing, Nehru Nagar, Belagavi.
	(Defendants No.1 to 6 by Learned D.G.P., Defendant No.7 by Shri. A. C. Kathari, Adv., & Defendants No.8 to 10 Ex-parte.)

Date of institution of the suit	25.09.2025
Nature of the suit	Declaration & Mandatory Injunction
Date of the commencement of recording of the Evidence	21.07.2026
Date on which Judgment was pronounced	29.07.2026
Total Duration	<u>Year/s</u> <u>Month/s</u> <u>Day/s</u> 00 10 04

(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.

JUDGMENT

This suit is filed by the plaintiff against the defendants seeking the relief of Declaration to declare that her father's correct name is 'Jakeerhusain' and Mandatory Injunction directing the defendants to rectify her father's name as 'Jakeerhusain' in her educational records, maintained by defendants.

2. Brief facts of the case of plaintiff in a nutshell, are as follows :

The plaintiff is the permanent resident of Kakati, Belagavi. The name of father of plaintiff is 'Jakeerhusain', but the defendants have mentioned wrong spelling of the name of father

of plaintiff as 'Jakeerhussain' in all the school records of plaintiff. The plaintiff studied 1st standard to 6th standard in defendant No.7 school and thereafter from 7th standard to 10th standard in defendant No.8 school and thereafter completed her 1st and 2nd year PUC in defendant No.9 college and she is studying B.Sc 1st year in defendant No.10 college. Though correct information was given to defendants No.7 to 10 regarding the spelling of the name of father of plaintiff, due to negligent act of the defendants, the same is wrongly mentioned as aforesaid. The correct name of father of plaintiff is mentioned in the Birth Certificate of plaintiff, school records of father of plaintiff, Aadhaar Card, Voter Card, Ration Card, etc. Due to wrong entry regarding father's name in the school records, the plaintiff is facing difficulty in her education and career. Despite several requests made to the defendants, they have not rectified the same and they insisted on decree from Civil Court. Hence, the present suit has been filed by the plaintiff seeking the relief of Declaration and Mandatory Injunction in order to declare that her father's name is 'Jakeerhusain' and to direct the defendants to rectify her father's name as 'Jakeerhusain' and make necessary corrections in her educational records, maintained by the defendants.

3. The summons were served on defendants and the defendants No.1 to 6 appeared through the District Government Pleader. The defendant No.7 appeared through his counsel Shri.

A. C. Kathari, but the defendant No.7 did not file written statement. The defendants No.8 to 10 did not appear despite service of summons and hence they were placed ex-parte. The learned D.G.P. filed written statement for defendant No.2 and adopted the same as written statement of defendants No.1, 3 to 6.

4. In the course of written statement of defendants No.1 to 6, they have denied the averments of plaint and further contended that only on the basis of information provided by the parents of plaintiff, the particulars have been entered in the educational records of the plaintiff. As such, the defendants have contended that there is no mistake on their part in entering the said particulars and that the present suit is barred by law. It is further contended that the plaintiff has not issued notice U/Sec.80 of C.P.C. as required, before filing of the suit. It is also contended that the suit of plaintiff also suffers from non-joinder of necessary party and there is no cause of action to file this suit. On these grounds, the said defendants have prayed to dismiss the present suit with costs.

5. On the basis of rival pleadings, the Court framed the following issues :

ISSUES

- 1) *Whether the plaintiff proves that her father's correct name is 'Jakeerhusain' and the same is wrongly entered as 'Jakeerhussain' in her educational records, maintained by defendants ?*
- 2) *Whether the plaintiff is entitled to the relief of declaration as sought for ?*
- 3) *Whether the plaintiff is entitled to the relief of mandatory injunction as sought for ?*
- 4) *What Order or Decree ?*

6. In order to prove her case, the plaintiff got herself examined as PW-1 and got marked 11 documents at Ex. P.1 to Ex. P.11. The learned D.G.P. for defendants No.1 to 6 has cross-examined PW-1. But, the defendants have neither got themselves examined before the Court nor produced any documents on their behalf.

7. Heard the arguments of learned D.G.P. for defendants No.1 to 6. Despite sufficient being given, the learned counsel for plaintiff and defendant No.7 did not address arguments. Perused the pleadings, oral and documentary evidence on record.

8. My findings on the above issues are as under :

Issue No.1 : In the Affirmative.

Issue No.2 : In the Affirmative.

Issue No.3 : In the Affirmative.

Issue No.4 : As per final order for the following :

REASONS

9. **Issue No.1** : It is the case of plaintiff that her father's correct name is 'Jakeerhusain' and the same is wrongly entered as 'Jakeerhussain' in her educational records. In order to prove her case, the plaintiff got herself examined as PW-1 and reiterated the averments of the plaint in the affidavit filed in lieu of her examination-in-chief and got marked 11 documents at Ex. P.1 to Ex. P.11.

10. Ex. P.1 is the Birth Certificate of plaintiff. Ex. P.2 and Ex. P.3 are the Study Certificates of plaintiff issued by defendants No.7 and 8 school. Ex. P.4 is the PUC II year Marks Card of plaintiff. Ex. P.5 is the Study Certificate of plaintiff issued by defendant No.9 school. Ex. P.6 is the Bonafide Character Certificate of plaintiff issued by defendant No.10 college. Ex. P.7 is the Aadhaar Card of plaintiff. Ex. P.8 and Ex. P.9 are the Aadhaar Card and PAN Card of father of plaintiff by name Jakeerhusain. Ex. P.10

and Ex. P.11 are the S.S.L.C. Marks Card and School Transfer Certificate of father of plaintiff.

11. It is the case of plaintiff that her father's name is wrongly mentioned in her educational records. In order to show the wrong entries made by the defendants, the plaintiff has produced her Study Certificates, PUC-II year Marks Card and Bonafide Character Certificate at Ex. P.2 to Ex. P.6 which show that the name of father of plaintiff is mentioned as 'Jakeerhussain'. According to plaintiff, her father's correct name is 'Jakeerhusain' and it is correctly mentioned in the Birth Certificate of plaintiff and also in the PAN Card, S.S.L.C. Marks Card and School Transfer Certificate of father of plaintiff. The plaintiff has produced the said documents i.e., the Birth Certificate of plaintiff at Ex. P.1 and the PAN Card, S.S.L.C. Marks Card and School Transfer Certificate of father of plaintiff at Ex. P.9 to Ex. P.11. The S.S.L.C. Marks Card of father of plaintiff is a public document issued way back in the year 1998 i.e., at an undisputed point of time and it reveals that the correct spelling of the name of father of plaintiff is 'Jakeerhusain'. Further the Birth Certificate of plaintiff i.e., Ex. P.1 also reveals her father's name as 'Jakeerhusain'.

12. The plaintiff who got herself examined as PW-1, has been cross-examined by learned D.G.P. and no doubt during the

course of cross-examination of PW-1, she has stated that earlier her father's name was mentioned as 'Jakeerhussain' in her Birth Certificate and later she has got the same corrected. Even the Birth Certificate at Ex. P.1 has remarks at Column No.11 to the effect that the Birth Certificate has been corrected as per Affidavit dated 11.07.2025 and 15.07.2024. But it is pertinent to note that there is minor correction made in the spelling of the name of father of plaintiff i.e., 'ss' has been removed and single 's' has been inserted in the name of father of plaintiff and as such his name's correct spelling is mentioned in the Birth Certificate of plaintiff as 'Jakeerhusain'. Hence, the said documents i.e., the Birth Certificate of plaintiff i.e., Ex. P.1, the PAN Card of father of plaintiff at Ex. P.9, the S.S.L.C. Marks Card of father of plaintiff at Ex. P.10 clearly reveal that the name of father of plaintiff is 'Jakeerhusain'. The said documents stated above are also public documents and they have come into existence at an undisputed point of time and much prior to the date of filing of present suit. As such, they carry legal presumption with them regarding genuineness of entries made therein. Hence, they can be relied upon to say that the correct name of father of plaintiff is 'Jakeerhusain' and not 'Jakeerhussain'.

13. The plaintiff got herself examined as PW-1 and she has reiterated the plaint averments during the course of examination-

in-chief. She has been cross-examined by learned D.G.P. and during the course of her cross-examination, PW-1 has deposed that she has been studying B.Sc Nursing in private quota. She has further deposed that the correct spelling of the name of her father is 'Jakeerhusain'. She has denied the suggestion put to her that the school authorities have entered the name of her father on the basis of her Birth Certificate and as such there is no mistake on their part. She has also denied the suggestion put to her that there is no mistake on the part of S.S.L.C. Board as they have mentioned the details as per the Form filled by the plaintiff herself with respect to S.S.L.C. Examination. She has also denied the suggestion put to her that though there is no mistake on the part of defendants, a false case is filed against them and that she would not face any difficulty if her father's name continues as it is in her school records. Except the aforesaid suggestions put to PW-1, the defendants have not done anything to disprove case of plaintiff. It is well settled principle of law that mere suggestion to witness during his cross-examination, do not take the place of proof. Hence, the defendants could not elicit anything worthwhile from the mouth of PW-1. The plaintiff has proved that her father's correct name is 'Jakeerhusain' by producing all the aforesaid documents. Accordingly, I answer **Issue No.1 in the Affirmative.**

14. Issue No.2 and 3 : These issues are interlinked with each other, hence they are taken up together for common discussion in order to avoid the repetition of facts.

15. The plaintiff has successfully proved that her father's correct name is 'Jakeerhusain' by producing cogent evidence before the Court. As such, she is entitled to the relief of Declaration as sought for. The plaintiff has also sought the relief of Mandatory Injunction to direct the defendants to rectify the same in her educational records maintained by defendants and to rectify her father's name as 'Jakeerhusain' in place of 'Jakeerhussain'. In this regard, the plaintiff has averred in the plaint that the said defendants refused to make corrections in her educational records when she approached them and they have directed her to the Civil Court. As such, it is very much necessary to direct the defendants by way of mandatory injunction to make necessary corrections in the educational records of plaintiff in accordance with the decree of this Court. Accordingly, I answer **Issue No.2 and 3 in the Affirmative.**

16. Issue No.4 : In view of the discussion and findings on Issue No.1 to 3, this Court proceeds to pass the following :

ORDER

The suit of the plaintiff is hereby decreed as follows :

It is hereby declared that the name of father of plaintiff is 'Jakeerhusain'.

By way of Mandatory Injunction, the defendants are directed to enter the name of father of plaintiff as 'Jakeerhusain' in place of 'Jakeerhussain' in the educational records of plaintiff, maintained by the defendants. While making the necessary entries, the defendants are directed to make reference to the decree of this suit.

Considering the nature of the suit and the relief claimed, the parties are directed to bear their own costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, typed by her, edited & corrected by me & then pronounced in the Open Court on this the 29th day of July-2026.)

**(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.**

ANNEXURE

- 1. List of witnesses examined by the plaintiff :**
PW-1 : Aameena D/o. Jakeerhusain Sanadi.
- 2. List of documents got marked by the plaintiff :**
Ex. P.1 : Birth Certificate of plaintiff.
Ex. P.2 : Study Certificate of plaintiff issued by defendant No.7 school.
Ex. P.3 : Study Certificate of plaintiff issued by defendant No.8 school.
Ex. P.4 : PUC II year Marks Card of plaintiff.
Ex. P.5 : Study Certificate of plaintiff issued by defendant No.9 school.
Ex. P.6 : Bonafide Character Certificate of plaintiff issued by defendant No.10 college.
Ex. P.7 : Aadhaar Card of plaintiff.
Ex. P.8 : Aadhaar Card of father of plaintiff by name Jakeerhusain.
Ex. P.9 : PAN Card of father of plaintiff.
Ex. P.10 : S.S.L.C. Marks Card of father of plaintiff.
Ex. P.11 : School Transfer Certificate of father of plaintiff.
- 3. List of witnesses examined by the defendants :**
-Nil-
- 4. List of documents got marked by the defendants :**
-Nil-

(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.