

KABG040030862025



Presented on : 26.09.2025

Registered on : 10.10.2025

Decided on : 11.06.2026

Duration : 00 year, 08 months, 15 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 11th day of June-2026

ORIGINAL SUIT NO.1186/2025

PLAINTIFF :

1)	Aiman D/o. Jakeerhusain Sanadi, Age : 14 years, Occ : Student, Since Minor R/by her Minor Guardian her next friend father Jakeerhusain S/o. Akbarsab Sanadi, Age : 44 years, Occ : Army, R/o : #1294, 2 nd Cross, Ambedkar Galli, Kakati, Taluk and District : Belagavi.
	(By Shri. B. B. Shettennavar, Adv.)

Vs.

DEFENDANTS :

1)	The State of Karnataka, R/by Deputy Commissioner, Belagavi., Belagavi.
2)	The Deputy Director of Public Instructions, Belagavi.
3)	The Block Education Office, Belagavi, Urban, Belagavi.
4)	The Block Education Office, Rural Belagavi, Belagavi.
5)	The Head Master, Shri. Banashankari Vidyalaya, English Medium Primary and High School, Kakati, Taluk and District : Belagavi.
6)	The Principal, Shri. Bhagwan Mahaveer Jain, English Medium High School, Bambarge, Taluk and District : Belagavi.
7)	The Headmaster, St. John's English Medium High School, Kakati, Taluk and District : Belagavi.
	(Defendants No.1 to 4 by Learned D.G.P., Defendant No.5 by Shri. A. C. Kathari, Adv., & Defendants No.6 & 7 Ex-parte.)

Date of institution of the suit	26.09.2025
Nature of the suit	Declaration & Mandatory Injunction
Date of the commencement of recording of the Evidence	02.04.2026

Date on which Judgment was pronounced	11.06.2026		
Total Duration	<u>Year/s</u>	<u>Month/s</u>	<u>Day/s</u>
	00	08	15

(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 minor and she 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 'Jakeer Hussain' in all the school records of plaintiff. The plaintiff studied upto 2nd standard in defendant No.5 school and thereafter from 3rd standard to 8th standard in defendant No.6 school and she is studying 9th standard in defendant No.7 school. Though correct information was given to

defendants No.5 to 7 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 4 appeared through the District Government Pleader. The defendant No.5 appeared through his counsel Shri. A. C. Kathari, but the defendant No.5 did not file written statement. The defendants No.6 and 7 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 and 4.

4. In the course of written statement of defendants No.1 to 4, 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 'Jakeer Hussain' 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 next friend i.e., father of plaintiff by name Jakeerhusain Akbarsab Sanadi got himself examined as PW-1 and got marked 7 documents at Ex. P.1 to Ex. P.7. The learned D.G.P. for defendants No.1 to 4 and learned counsel for defendant No.5, have cross-examined PW-1, and three documents at Ex. D.1 to Ex. D.3 were got marked on confrontation during the course of cross-examination of PW-1. But, the defendants have not got themselves examined before the Court.

7. Heard the arguments of learned counsel for plaintiff Shri. B. B. Shettnavar, learned D.G.P. for defendants No.1 to 4 and learned counsel Shri. A. C. Kathari for defendant No.5. 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 'Jakeer Hussain' in her educational records. In order to prove her case, the father of plaintiff who is next friend of plaintiff, got himself examined as PW-1 and reiterated the averments of the plaint in the affidavit filed in lieu of his examination-in-chief and got marked 7 documents at Ex. P.1 to Ex. P.7.

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.5 and 6 school. Ex. P.4 is the School Certificate of plaintiff issued by defendant No.7 school. Ex. P.5 is the Certificate of Character and Date of Birth of plaintiff issued by defendant No.6 school. Ex. P.6 and Ex. P.7 are the Aadhaar Card and S.S.L.C. Marks Card of father of plaintiff by name Jakeerhusain. Per contra, the defendant No.5 has got marked three documents at Ex. D.1 to Ex. D.3 on confrontation to PW-1 during the course of cross-examination of PW-1. Ex. D.1 is the Birth Certificate of plaintiff issued on 17.10.2011. Ex. D.2 is the Admission Application Form

submitted at the time of admission of plaintiff to Primary School. Ex. D.3 is the Affidavit submitted to the school by the mother 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, School Certificate and Character Certificate at Ex. P.2 to Ex. P.5 which show that the name of father of plaintiff is mentioned as 'Jakeer Hussain'. 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 Aadhaar Card and S.S.L.C. Marks Card of father of plaintiff. The plaintiff has produced the said documents i.e., the Birth Certificate of plaintiff at Ex. P.1 and the Aadhaar Card and S.S.L.C. Marks Card of father of plaintiff at Ex. P.6 and Ex. P.7. The said documents clearly reveal that the name of father of plaintiff is 'Jakeerhusain'. The Birth Certificate is the basic public document of plaintiff and the event of birth is shown to have been registered as per Ex. P.1 on 01.10.2011 and the same has been issued on 28.07.2025. The counsel for defendant No.5 has confronted the Birth Certificate of plaintiff issued earlier on 17.10.2011. No doubt, Ex. P.1 Birth Certificate is the corrected birth certificate of plaintiff got issued on 28.07.2025. But, it is pertinent to note that in Ex. P.1 and Ex. D.1

there is no difference in the spelling of the name of father of plaintiff and only the space between Jakeer and Husain has been removed by way of correction in the birth certificate with respect to the name of father of plaintiff. Further, another document confronted to PW-1 is the Admission Form submitted by the father of plaintiff in the year 2015-16 to defendant No.5 school while admitting the plaintiff to school and it is marked at Ex. D.2. But however, in Ex. D.2 also the name of father of plaintiff is mentioned as Zakeer Husain. He has also confronted one Affidavit at Ex. D.3 which is submitted by the mother of plaintiff in the year 2019 to the school and in the said Affidavit also, the spelling of the name of father of plaintiff is shown as 'Jakeerhussain'. No doubt, the said documents have been submitted by the parents of plaintiff only, but it is also pertinent to note that subsequently the spelling in the name of father of plaintiff has been got corrected by filing Affidavit before the Chief Registrar of Births and Deaths, City Corporation, Belagavi wherein the birth certificate of plaintiff has been issued by correcting the spelling of the name of father of plaintiff as 'Jakeerhusain' in place of 'Jakeer Hussain'. There is minor correction in the spelling in the name of father of plaintiff and the birth certificate is the basic public document of an individual which can be relied upon to say as to the correct name of plaintiff and his father and mother. Apart from the said document, the plaintiff

has also produced the Aadhaar Card and S.S.L.C. Marks Card of father of plaintiff at Ex. P.6 and Ex. P.7 and the same also reveal the correct spelling of the name of father of plaintiff as '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 'Jakeer Hussain'.

12. The father of plaintiff who is the next friend of plaintiff, got himself examined as PW-1 and he has reiterated the plaint averments during the course of examination-in-chief. He has been cross-examined by learned D.G.P. and during the course of his cross-examination, PW-1 has deposed that he is serving in Army and his name is wrongly entered in the school records of plaintiff and he came to know about the same while admitting the plaintiff to 8th standard recently. He has further deposed that after knowing the same, he has requested the school authorities orally to rectify the name of father of plaintiff in their records. He also denied the suggestion put to him that if his name continues in the school records of plaintiff as it is now appearing, then no loss would be caused. He has denied the suggestion put to him that

though there is no mistake on the part of defendants, a false case is filed against them. 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.**

13. 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.

14. 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 'Jakeer Hussain'. 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.**

15. 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 'Jakeer Hussain' 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 11th day of June-2026.)

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

ANNEXURE

- 1. List of witnesses examined by the plaintiff :**
PW-1 : Jakeerhusain Akbarsab 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.5 school.
Ex. P.3 : Study Certificate of plaintiff issued by defendant No.6 school.
Ex. P.4 : School Certificate of plaintiff issued by defendant No.7 school.
Ex. P.5 : Certificate of Character & Date of Birth of plaintiff issued by defendant No.6 school.
Ex. P.6 : Aadhaar Card of father of plaintiff.
Ex. P.7 : S.S.L.C. Marks Card of father of plaintiff.

3. List of witnesses examined by the defendants :

-Nil-

4. List of documents got marked by the defendants :

- Ex. D.1 : Birth Certificate of plaintiff issued on 17.10.2011.
- Ex. D.2 : Admission Application Form submitted
at the time of admission of plaintiff
to Primary School.
- Ex. D.3 : Affidavit submitted to the school by the
mother of plaintiff.

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