

KABG040041182025



IN THE COURT OF II ADDL. CIVIL JUDGE & JMFC, BELAGAVI

Present: Lakshmibai Basanagoud Patil,

B.A, L.L.B.(Spl)

II Addl. Civil Judge & JMFC, Belagavi.

This the day of 24th June-2026

O.S. NO.1400/2025

Plaintiff / s Smt. Vidya Wd/o. Hanamant @ Hanamantappa
Malagatti @ Malagitti,
Before marriage name Geeta D/o Mallappa Ilach.
Age: 34 years. Occ: Service.
R/o: H No.781, Ramdev Galli, RCC Single Road building
Kangarli KH, Belagavi.

(Rep By N.N.Badavannavar, Adv)

V/s

Defendant /s 1. The State of Karnataka
Represented by Deputy Commissioner,
Belagavi. DC Compound Belagavi.

2. Director General and Inspector General of Police
Karnataka State
Nrupathunga Road, Bengaluru.

3. ADGP
Karnataka State Reserve Police
Bengaluru.

(Defts. No.1 to 3 by Learned ADGP)

Date of institution of the suit	18.12.2025						
Nature of suit	Declaration and consequential relief of Mandatory Injunction						
Date of commencement of evidence	11.06.2026						
Date on which the judgment was pronounced	24.06.2026						
Duration of suit	<table><tr><td>Year/s</td><td>Months</td><td>Days</td></tr><tr><td>-</td><td>06</td><td>06</td></tr></table>	Year/s	Months	Days	-	06	06
Year/s	Months	Days					
-	06	06					

JUDGMENT

This suit filed by the plaintiff against the defendants for the relief of declaration to declare the name of the plaintiff i.e., is Vidya W/o Hanamantappa Malagatti and Geeta D/o. Mallappa Ilachi refer to one and the same person i.e., the plaintiff and the relief of mandatory injunction to effect the said entry.

2. The brief facts of the case are as follows:

It is case of the plaintiff that, the plaintiff is presently working as a Peon (Dalayat) in the Department of KSRP 1 battalion, Bengalore. She served as peon in KSRP training school

APMC Belagavi and recently Plaintiff transferred to KSRP 1 battalion Bangalore.

3. The husband of the plaintiff Late Hanamant @ Hanamantappa Malagatti was serving as Constable in KSRP Police Department Government of Karnataka and he unfortunately passed away while in service on 24/05/2013. She served as peon in KSRP training school APMC Belagavi and recently Plaintiff transferred to KSRP 1 battalion Bangalore. She is permanent resident of Belagavi. The plaintiff has got married to one Shri. Hanamant @ Hanamantappa Malagatti and before marriage the plaintiff know by name Geeta D/o Mallappa Ilachi and as per custom after marriage the plaintiff known by name Vidya Hanamant Malagatti. The Plaintiff all school records standing in the name of Geeta Mallappa Ilachi i.e., before marriage name.

4. The plaintiff's husband Shri. Hanamant Malagatti expired on 24/05/2013. After death of her husband, Plaintiff has got Dalayat post in Karnataka State Reserve Police Force on

compensatory ground and served at KSRP Police Training center at Belagavi. The department has declared promotion of the Plaintiff for the post SDA and as per regulations Plaintiff has submitted all her educational records i.e., school certificates to the department for verification and office subordinates of Director General & Inspector General of Police i.e., Defendant No.2 has advised to obtain Honb'le Court Decree for different names appearing in service records and school records.

5. Therefore, it has become necessary to obtain Court Decree regarding both names of the plaintiff are one and the same and same are belongs to the Plaintiff. The Plaintiff before marriage name and after marriage name of the Plaintiff are belongs to plaintiff only. Further the purpose of updating her service records, salary account and official files, the defendants have requested a declaration from the competent civil Court confirming that both names belongs to the same person. Hence, this suit.

6. On the other hand, inspite of service of suit summons, the defendants No.1 to 3 appeared through learned ADGP and the defendant No.3 filed written statement. The defendants No.1 and 2 are adopted the same.

In the written statement of defendants No.1 to 3 are as follows:

The defendants No.1 to 3 have denied the plaint averments and they have been contending that the suit of the plaintiff is false, frivolous and vexatious. The plaintiffs in the present form is not maintainable in the eyes of law. Regarding to any correction of service records of the plaintiff, as per KCSR Rules probationary period only. The valuation made and court fee paid on the plaint is improper and incorrect. This Court no jurisdiction for pensioner benefits of deceased in this case, it is improper and against the provisions of the law. There is no cause of action to the present suit and the one shown is imaginary and created one and suit of the plaintiff barred limitation. The plaintiff has not at all come with clean hands. The

plaintiff has filed present suit against the defendants, only for harassment and with intention to disturb the Government duty. Hence, prays to dismiss the suit with costs.

7. On the basis of the respective pleadings, the following issues arose for my determination;

ISSUES

- 1. Whether the plaintiff proves that, the name of the plaintiff i.e., Vidya W/o Hanamant@ Hanamantappa Malagatti and Geeta D/o Mallappa, the same was wrongly mentioned in plaintiff all official records?**
- 2. Whether Whether the plaintiff is entitled the relief of declaration as sought?**
- 3. Whether the plaintiff is entitled to mandatory injunction as sought?**
- 4. What order or decree?**

8. In order to prove the case, the plaintiff examined herself as P.W.1 and got marked 5 documents at Ex.P.1 to Ex.P.5. On the other hand, the defendants did not adduce their evidence even though opportunity was given by this Court.

9. Heard arguments on learned counsel for the plaintiff and learned ADGP, and perused the materials placed on record carefully.

10. My answers to 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

11. **ISSUE NO.1:-** This suit filed by the plaintiff against the defendants for the relief of declaration to declare the name of the plaintiff ie., is Vidya W/o Hanamantappa Malagatti and Geeta D/o. Mallappa Ilachi refer to one and the same person i.e., the plaintiff and the relief of mandatory injunction to effect the said entry.

12. In order to prove the case, the plaintiff has been examined herself as PW.1 and filed affidavit in lieu of examination-in-chief in which she has reiterated the averments

of the plaint. In support of the case, she has produced 5 documents at Ex.P1 to 5. On perused the said documents, it appears that Ex.P1 is reminder letter issued office of commandant, KSRP 1 battalion, Bangalore to the plaintiff. Ex.P2 is marriage invitation of plaintiff. Ex.P3 is surviving family members certificate of Hanumantappa Malagatti. Ex.P4 is transfer certificate of Geeta Mallappa Ilachi. Ex.P5 is death certificate of Hanamanta Siddapp Malagatti.

13. The plaintiff has sought to rectify the name of the plaintiff i.e., Vidya W/o Hanamant@ Hanamantappa Malagatti and Geeta D/o Mallappa in all official records. On careful perusal of the documents submitted by the plaintiff, it is a recital that the correct name of the plaintiff has been mentioned in Ex.P2 to Ex.P4 as Vidya W/o Hanamant@ Hanamantappa Malagatti and Geeta D/o Mallappa. The name of plaintiff is appearing the educational record, surviving family member certificate and marriage invitation as Vidya W/o Hanamant@ Hanamantappa Malagatti and Geeta D/o Mallappa.

14. On the other hand, inspite of the service of summons, the defendants did not lead any defendant's evidence. Hence, there is no specific evidence on behalf of the defendants in the case of the plaintiff. There is no reason to disbelieve the testimony of P.W1 as the documentary evidence corroborates with the oral evidence. Apart from this, PW1 has not admitted to the case of the defendants as contended by them in the cross-examination.

15. However, declaration for correction of the name of the plaintiff is concerned, I have relied upon citation of Hon'ble High Court of Karnataka in RSA No.5214/2011 DD dated: 02-03-2015 Kumar. Kallappa Mallappa Mali and another V/s The state of Karnataka and others wherein it is held as under,

"The civil court has no jurisdiction to declare the caste. So, to this extent, the suit is not maintainable. However, the trial court has come to the conclusion that the name of the 1st plaintiff is Mali there is no dispute with regard to the surname of the father as Mali. The trial court on considering the evidence has arrived at a

conclusion about the name of 1st plaintiff as Mali based on the evidence. To this extent, the 1st appellate court should not have interfered with the judgment of the trial court. Therefore, as regards caste, no substantial question of law arises. Judgment of the 1st appellate court to this extent is upheld and its judgment as regards caste of 1st plaintiff is set aside. Judgment of the trial court decelerating that the name of the 1st plaintiff as Mali is restored."

16. The principle laid down in the aforesaid citation is aptly applicable to the case on hand as in the instant suit also, the plaintiff is seeking a declaration of the name of plaintiff rectification in records. The documents produced by the plaintiff disclose that the correct name of the plaintiff is Vidya W/o Hanamant@ Hanamantappa Malagatti and Geeta D/o Mallappa. In view of the above discussion, this court is of the opinion that the plaintiff has proved the case. Accordingly, this court answered **issue No.1 in the Affirmative.**

17. ISSUES NO.2 AND 3 :- In order to avoid repetition, I would like to take up these issues together for my discussion as they are interlinked with each other.

When the plaintiff sought the relief of declaration and mandatory injunction by stating that the name of the plaintiff i.e., Vidya W/o Hanamant@ Hanamantappa Malagatti and Geeta D/o Mallappa. In the instant suit, the plaintiff has proved the case by adducing oral and documentary evidence as I already discussed in issue No.1. Therefore, the plaintiff is entitled to the relief as sought for. Accordingly, this court answered **issues No.2 and 3 in the Affirmative.**

18. ISSUE NO.4:- In view of the above findings and material placed on record, I proceed to pass the following;

ORDER

The suit of the plaintiff is hereby decreed.

**It is declared that the name of the plaintiff
i.e., Vidya W/o Hanamant@ Hanamantappa**

Malagatti and Geeta D/o Mallappa Ilachi is one and the same.

Further, the defendants is directed to enter the name of the plaintiff as i.e., Vidya W/o Hanamant@ Hanamantappa Malagatti and Geeta D/o Mallappa Ilachi in official records of the plaintiff maintained by the defendants.

The defendants is hereby directed to incorporate the name as above in the official records of the plaintiffs and shall collect requisite fee to incorporate in the records.

By considering the above facts and circumstances of the case, no order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on the computer and typed by her and corrected by me and then pronounced in the open Court on this 24th June 2026)

**(Lakshmibai Basanagoud Patil)
II Addl. Civil Judge & JMFC.,
Belagavi.**

ANNEXURES

List of witnesses examined for the plaintiff/s :-

P.W.1: Vidya W/o Hanamant@ Hanamantappa
Malagatti and Geeta D/o Mallappa.

List of documents marked for the plaintiff/s :-

Ex.P.1 : Reminder letter
Ex.P.2 : Invitation
Ex.P.3 : Surviving family member certificate
Ex.P.4 : Transfer certificate
Ex.P.5 : Death certificate

List of witnesses examined for the Defendant/s :-

-Nil-

List of documents marked for the Defendant/s:-

-Nil-

**II Addl. Civil Judge & JMFC.,
Belagavi.**