

KABG310001172026



IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C.,
AT: BAILHONGAL

:Present:

Smt. Rohini D Basapur .,

LL.M.

Prl. Civil Judge & JMFC, Bailhongal.

DATED THIS THE 11th DAY OF AUGUST 2026

O.S.NO.36/2026

1. Kumar. Rohit Nagappa Hongal
Age: 20 years, Occ: Student
R/o: Channamma Nagar, M.K. Hubballi,
Tq: Kittur, Dist: Belagavi

...Plaintiff.

(By Shri. AMS, Advocate)

V/s.

1. The Karnataka State,
R/by The Deputy Commissioner,
Belagavi.
2. The Chief Muncipal Officer
Bailhongal, Tq: Bailhongal,
Dist: Belagavi.

....Defendant.

(A1 : By AGP, Bailhongal)

(A2: By Shri. SCL, Advocate)

1.	Date of institution of the suit	23.01.2026
2.	Nature of the suit	Declaration
3.	Date of commencement of evidence	30.06.2026
4.	Date of judgment	11.08.2026
5.	Total Duration	Year/s Month/s Day/s 00 06 19

**Prl. Civil Judge & JMFC,
Bailhongal.**

JUDGMENT

This suit is filed by the plaintiff, seeking declaration that his correct mother name and for consequential direction to the defendant to rectify the entries in his birth certificate accordingly.

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

The minor plaintiff was born on 31/07/2005 at the parental house of his mother at Bailahongal. At the time of his birth, his parents had given information to concern authorities about his birth. However, in the Plaintiff's birth certificate, the mother's name has been erroneously recorded as "Madhu".

3. It is the case of the plaintiff that the true and correct name of the Plaintiff's mother is Mahadevi. The name was wrongly entered as "Madhu" in the birth certificate solely due to the negligence of the staff of Defendant No. 2. The plaintiff contends that recently he came to know when he obtained a copy of the certificate for educational and personal purposes. Although the Plaintiff submitted a written representation to Defendant No. 2 on 12/12/2025 requesting a correction of the mother's name, Defendant No. 2 rejected the application stating that they lack the independent authority to make such an alteration without a formal order from a competent Civil Court.

4. Hence, the plaintiff has filed the present suit seeking a declaration that correct name of his mother is Mahadevi and for a mandatory injunction directing the defendants to correct his mother's name in the birth certificate maintained by them.

5. After service of summons, the defendants no.1 and 2 have appeared through their counsels but in spite of given sufficient opportunity to file written statement, they failed to file written statement.

6. The following points for my consideration:**POINTS**

1. Whether the plaintiff proves that his correct mother name is Mahadevi, but it is wrongly mentioned as Madhu in the birth certificate of the plaintiff ?
2. Whether the plaintiff is entitled to the reliefs sought?
3. What order or decree?
7. In order to prove his case, the plaintiff examined himself as PW-1 and got marked Ex.P-1 to Ex.P-7.

8. My answers to the above points are as follows:

Point No.1 : In the Affirmative
Point No.2 : In the Affirmative
Point No.3 : As per final order, for the following:

REASONS

9. Point No.1: The burden is upon the plaintiff to establish that the entries made in the birth certificate are incorrect and that the particulars sought to be incorporated are the correct particulars of the plaintiff and his mother. PW-1, the plaintiff, has reiterated the plaint averments in his chief-examination

affidavit. His evidence remained unchallenged as the defendants have not entered the witness box to rebut the same.

10. To substantiate his oral testimony, the plaintiff has produced documentary evidence.

The plaintiff has produced Ex.P-1, which is the birth certificate issued by defendant No.2. On perusal of Ex.P-1, it is evident that the name of the mother is shown as "Madhu". Thus, Ex.P-1 establishes the existing entries in the birth certificate.

11. The plaintiff has produced Ex.P-2, which is the SSLC Marks card. On perusal of Ex.P-2, it is found that the name of the mother of the plaintiff is recorded as "Mahadevi Nagappa Hongal". The said document is a school record maintained in the regular course of business and supports the contention of the plaintiff regarding his identity.

12. Ex.P-6 is the Aadhaar card of the mother of the plaintiff. The said document reflects the name of the mother as "Mahadevi". The Aadhaar card is an identity document issued by a competent authority after verification of particulars and

therefore carries corroborative evidentiary value. Ex.P-7 is the ration card. The said document reflects the name of the mother as "Mahadevi". The same supports the contention of the plaintiff regarding the correct name of his mother. Ex.P-5 is the Aadhaar card of the plaintiff.

13. On appreciation of Ex.P-2 and Ex.P-5 to Ex.P-7, it is clear that the mother's name is shown as "Mahadevi".

14. There is no rebuttal evidence placed on record. Though the defendants appeared through counsels but failed to file written statement and contest the matter. Ex.P-3 is the application written by the plaintiff to correct his mother name in the birth certificate. Ex.P-4 is the letter written by the defendant no.2 to the plaintiff directing him to approach competent court of law.

15. The oral evidence of PW-1 is consistent, cogent, and supported by documentary evidence. There is nothing on record to disbelieve his testimony. The Court is satisfied that the correct name of the mother of the plaintiff is "Mahadevi" is valid and lawful.

16. Accordingly, the plaintiff has proved that the entries in the birth certificate require correction to reflect his mother's name as Mahadevi. Hence, Point No.1 is answered in the Affirmative.

17. Point No.2: In view of the findings recorded on Point No.1, and in the absence of any contest by the defendant, the plaintiff is entitled to declaration as prayed for. Further, when a statutory authority refuses to make correction without a Court order, and the plaintiff has established his legal right, this Court is empowered under Section 34 of the Specific Relief Act to grant declaratory relief along with consequential mandatory direction. The plaintiff has complied with the requirement of issuing notice under Section 80 of the Code of Civil Procedure and Section 284 of the Karnataka Municipal Act before instituting the suit.

18. Therefore, the plaintiff is entitled to a decree declaring his correct name and directing the defendant to rectify the entries in the birth register and issue a fresh birth certificate incorporating the names of the adoptive parents. Hence, Point No.2 is answered in the Affirmative.

19. Point No.3: In view of the above discussion, I proceed to pass the following:

ORDER

The suit of the plaintiff is hereby decreed.

It is hereby declared that the correct name of the mother of the plaintiff is "Mahadevi".

The defendant No.2 is hereby directed to make necessary corrections in the birth register and birth certificate of the plaintiff by incorporating the above said particulars, in accordance with law.

Draw decree accordingly.

(Dictated to stenographer directly on computer, corrected by me, then pronounced in the open court on this the 11th day of August 2026)

(Smt. Rohini D. Basapur)
Prl. Civil Judge & J.M.F.C,
Bailhongal.

ANNEXURE

List of witnesses on behalf of the plaintiff:

P.W.1 : Kumar. Rohit Nagappa Hongal

List of exhibits marked on behalf of the Plaintiff:

Ex.P-1 : Birth Certificate
Ex.P-2 : SSLC Marks card
Ex.P-3 & 4 : Letters
Ex.P 5 & 6 : Aadhar cards
Ex.P. 7 : Ration card

List of witnesses on behalf of the Defendant:

Nil

List of exhibits marked on behalf of the Defendant:

Nil

Sd/-

**Prl. Civil Judge & J.M.F.C,
Bailhongal.**

(Judgment pronounced in the open court vide separate order)

ORDER

The suit of the plaintiff is hereby decreed.

It is hereby declared that the correct name of the mother of the plaintiff is "Mahadevi".

The defendant No.2 is hereby directed to make necessary corrections in the birth register and birth certificate of the plaintiff by incorporating the above said particulars, in accordance with law.

Draw decree accordingly.

Prl. Civil Judge & J.M.F.C, Bailhongal.