

KABG310019902025



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 22nd DAY OF JUNE 2026

O.S.NO. 265/2025

1. Kumar. Shayabaj Shirajahmed Hanchinamani
Age: 20 years, Occ: Student,
R/o: Katridaddi, Tq:Kittur.

...Plaintiff.

(By Shri.SBB, Advocate)

V/s.

1. The State of Karnataka Represented by
The Deputy Commissioner,
Belagavi.
2. The Tahasildar,
Bailhongal, Tq: Bailhongal,

....Defendant

(By Shri. AGP, Advocate)

1.	Date of institution of the suit	12.08.2025
2.	Nature of the suit	Declaration
3	Date of commencement of evidence	09.04.2026
4.	Date of judgment	22.06.2026
5.	Total Duration	Year/s Month/s Day/s 00 10 10

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

JUDGMENT

The present suit is filed by the plaintiff seeking the relief of declaration and mandatory injunction.

2. Brief facts of the case as pleaded in the plaint:

The plaintiff is a permanent resident of Katridaddi village, Kittur Taluk, Belagavi District. The plaintiff was born on 19.03.2004 at Sangolli village, Bailhongal Taluk. The birth of the plaintiff was registered by defendant No.2 under Birth Registration No.32 dated 22.03.2004. The plaintiff obtained a

certified copy of his birth certificate from the office of defendant No.2 and noticed certain mistakes in the entries made therein.

According to the plaintiff, in Column No.1 of the birth certificate, his name is wrongly mentioned as "XXX". In Column No.5, the mother's name is wrongly mentioned as "Saharabhi Kom Mahmadashiraj Hanchinamani" and in Column No.6, the father's name is wrongly mentioned as "Mahmadashiraj Nabisab Hanchinamani". Further, in Column Nos.7 and 8, the permanent address of the parents of the plaintiff is wrongly shown as "XXX".

3. The plaintiff contends that his correct name is "Shayabaj Shirajahmed Hanchinamani", his mother's name is "Shahirabanu Shirajahmed Hanchinamani" and his father's name is "Shirajahmed Nabisab Hanchinamani". The correct permanent address of his parents is R/o: Katridaddi, Taluk Kittur, District Belagavi.

4. It is further contended that in all other documents including Aadhaar cards and educational records, the correct names of the plaintiff and his parents are reflected. Due to the

said mistakes in the birth certificate, the plaintiff is facing difficulties and the same may cause inconvenience in future for higher education, government employment and obtaining passport and visa.

5. The plaintiff further contends that he issued statutory notice under Section 80 of the Code of Civil Procedure to the defendants on 28.07.2025. Though the notice was served on the defendants on 31.07.2025, no reply was given and no steps were taken for correction of the entries. Hence, the plaintiff was constrained to file the present suit seeking declaration and mandatory injunction directing the defendants to correct the entries in the birth register and birth certificate.

6. After service of summons, the defendants appeared through counsel. Defendant No.2 filed detailed written statement and defendant No.1 adopted the same by filing memo. The defendants have denied the allegations made by the plaintiff and contended that the suit is based on false and fictitious averments. It is contended that the plaintiff has no cause of action and is not entitled for the reliefs sought.

7. The defendants have contended that under Section 15 of the Registration of Births and Deaths Act, 1969, the Registrar of Births and Deaths has authority to make corrections and therefore the plaintiff cannot seek such relief through a civil suit.

8. It is further contended that necessary parties have not been impleaded and the suit is bad for non-joinder of necessary parties. It is also contended that the suit is barred by limitation and is not maintainable. According to the defendants, at the time of registration of birth, necessary particulars were not furnished by the parents of the plaintiff, due to which certain entries remained incomplete. The defendants have denied the entitlement of the plaintiff and prayed for dismissal of the suit.

9. From the pleadings, the following issues arise for consideration:

ISSUES:

1. Whether the minor plaintiff proves that his correct name is "Shayabaj Shirjahmed Hanchinamani", his

mother's name is "Shahirabanu Shirajahmed Hanchinamani", father's name is "Shirajahmed Nabisab Hanchinamani" and his mother and father's permanent address is R/o: Katridaddi, Tq: Kittur, Dist: Belagavi, but it is wrongly mentioned in Column Nos.5, 6, 7 and 8 of the birth certificate?

2. Whether the plaintiff is entitled for the reliefs sought?

3. What order or decree?

10. The father of the plaintiff entered the witness box and examined himself as PW-1 and reiterated the plaint averments. The plaintiff has produced documents marked as Ex.P-1 to Ex.P-13. The defendants have not adduced any oral or documentary evidence.

11. This Court answers the above issues as under:

Issue No.1: In the Affirmative.

Issue No.2: In the Affirmative.

Issue No.3: As per final order, for the following:

REASONS

12. Issue No.1: The burden is upon the plaintiff to establish that the entries made in the birth certificate issued by defendant No.2 are incorrect and that the particulars sought to be incorporated are the correct particulars of the plaintiff and his parents.

13. The father of the plaintiff has entered the witness box as PW-1 and has reiterated the averments made in the plaint. The evidence of PW-1 discloses that the plaintiff was born on 19.03.2004 at Sangolli village, Bailhongal Taluk and his birth was registered with defendant No.2. According to PW-1, due to inadvertence, incorrect particulars were entered in the birth register and birth certificate.

14. In support of his oral evidence, the plaintiff has produced documents marked as Ex.P-1 to Ex.P-13. Ex.P-1 is the birth certificate of the plaintiff issued by defendant No.2. On perusal of Ex.P-1, it is evident that in Column No.1, the name of the child is shown as "XXX". In Column No.5, the mother's name is mentioned as "Saharabhi W/o Mahmadshiraj

Hanchinamani" and in Column No.6, the father's name is mentioned as "Mahmadshiraj Nabisab Hanchinamani". Further, Column Nos.7 and 8 contain the permanent address of the parents as "XXX".

15. Ex.P-2 to Ex.P-13 are the supporting documents produced by the plaintiff to establish his identity and the identity of his parents. These documents show that the plaintiff is known as "Shayabaj Shirajahmed Hanchinamani" and his parents are known as "Shahirabanu Shirajahmed Hanchinamani" and "Shirajahmed Nabisab Hanchinamani". The Aadhaar card and other identity documents produced by the plaintiff reflect the consistent names of the plaintiff and his parents. The said documents are issued by competent authorities after verification of particulars and therefore carry corroborative evidentiary value regarding the identity of the parties.

16. The documents produced by the plaintiff also establish that the permanent address of the parents of the plaintiff is R/o: Katridaddi, Tq: Kittur, Dist: Belagavi. The said

address is consistently reflected in the identity documents produced by the plaintiff. On the other hand, though the defendants have disputed the claim of the plaintiff in the written statement, they have not produced any documentary evidence to show that the entries presently appearing in the birth certificate are correct or that the particulars claimed by the plaintiff are false. The defendants have also not examined any witness from the office of defendant No.2 to disprove the documents produced by the plaintiff.

17. On appreciation of the oral evidence of PW-1 and the documentary evidence marked as Ex.P-1 to Ex.P-13, this Court finds that the plaintiff has satisfactorily proved that his correct name, his parents' names and their permanent address are as pleaded by him and that the entries in Column Nos.5, 6, 7 and 8 of the birth certificate require correction.

The contention of the defendants that the suit is not maintainable in view of Section 15 of the Registration of Births and Deaths Act, 1969 cannot be accepted.

*The Hon'ble High Court of Karnataka in **Regular First Appeal No.2454 of 2024 (DEC) between Mr. Suhas L. S/o. Lokesh H. P Vs. The Chief Registrar Births and Deaths, Government of Karnataka (DD: July 18, 2025)** has held as hereunder:*

The Registrar, being a quasi-judicial authority, is empowered to hold an enquiry, verify documents, and pass appropriate orders in a time-bound and summary manner. This Court reiterated that the Act provides an efficacious alternative remedy, discouraging recourse to Civil Courts in such matters. In light of this settled legal position, it is held that the plaintiff must first exhaust the remedy under Section 15 before approaching the Civil Court. In light of the legal position enunciated by this Court in the aforementioned decisions, and upon careful examination of the judgment and decree passed by the Trial Court, this Court finds no compelling reason to interfere with the said judgment.

18. In the case on hand first the defendant was approached requesting to correct the name of the plaintiff in the birth certificate as per Section 15 of The Registration of Births and Deaths Act, however the defendant has referred the plaintiff

to the Court. Hence, the remedy available under Section 15 of The Registration of Births and Deaths Act has been exhausted by the plaintiff before approaching the Civil Court.

19. Considering the oral and documentary evidence available on record, this Court is of the opinion that the plaintiff has proved that his correct name is "Shayabaj Shirajahmed Hanchinamani", his mother's name is "Shahirabanu Shirajahmed Hanchinamani", his father's name is "Shirajahmed Nabisab Hanchinamani" and the correct permanent address of his parents is R/o: Katridaddi, Tq: Kittur, Dist: Belagavi. Accordingly, Issue No.1 is answered in the Affirmative.

20. Issue No.2: In view of the findings recorded on Issue No.1, the plaintiff has established that the entries in the birth certificate require correction. The relief sought by the plaintiff is only for declaration of correct particulars and consequential mandatory injunction directing the defendants to make necessary corrections in the birth register and birth certificate.

The plaintiff has established that the mistakes occurred due to incorrect recording of particulars and that continuation of such

incorrect entries would cause hardship and inconvenience to him in future. Therefore, the plaintiff is entitled for the relief of declaration and mandatory injunction. Accordingly, Issue No.2 is answered in the Affirmative.

21. Issue No.3: For the reasons stated above, 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 plaintiff is "Shayabaj Shirajahmed Hanchinamani", his mother's name is "Shahirabanu Shirajahmed Hanchinamani", and his father's name is "Shirajahmed Nabisab Hanchinamani".

It is further declared that the correct permanent address of the parents of the plaintiff is R/o: Katridaddi, Tq: Kittur, Dist: Belagavi.

The defendants are hereby directed to make necessary corrections in the birth register and birth certificate of the

plaintiff by incorporating the above said correct particulars, in accordance with law.

No order as to costs.

Draw decree accordingly.

(Dictated to stenographer typed by her, corrected by me, then pronounced in the open court on this the 24th day of June 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. Shayabaj Shirajahmed Hanchinamani.

List of exhibits marked on behalf of the Plaintiff:

Ex.P.1 : Transfer Certificate

Ex.P.2 : SSLC Marks card

Ex.P.3 : Voter card

Ex.P.4 : Caste & Birth Certificate

Ex.P.5 : Aadhar card

Ex.P.6 : Aadhar card

Ex.P.7 : Aadhar card

Ex.P.8 : Birth Certificate

Ex.P.9 : Legal notice

Ex.P.10: Postal receipt

Ex.P.11: Postal receipt

Ex.P.12: Postal acknowledgment

Ex.P.13: Postal acknowledgment

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 plaintiff is "Shayabaj Shirajahmed Hanchinamani", his mother's name is "Shahirabanu Shirajahmed Hanchinamani", and his father's name is "Shirajahmed Nabisab Hanchinamani".

It is further declared that the correct permanent address of the parents of the plaintiff is R/o: Katridaddi, Tq: Kittur, Dist: Belagavi.

The defendants are hereby directed to make necessary corrections in the birth register and birth certificate of the plaintiff by incorporating the above said correct particulars, in accordance with law.

No order as to costs.

Draw decree accordingly.

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

