

KABG410044882024



**IN THE COURT OF THE PRL.CIVIL JUDGE & JMFC,
CHIKODI, AT: CHIKODI.**

**Present : Zaheer Atanur,
B.Sc., LL.B.,
C/C Prl.Civil Judge and JMFC, Chikodi**

ORIGINAL SUIT No.439/2024

Dated this the 16th Day of June, 2026.

Plaintiff : 1. Shri.Ningappa s/o Ningappa Kamat,
Age: 36 years, Occ: Private Service,
R/o: Hunnur RC, Badakundri,
Tal: Hukkeri, Dist: Belagavi.

(By Shri.S.S.G. Advocate)

V/s

Defendant/s:1. The Birth & Death Registrar,
R/by The Chief Officer, Chikodi,
Tal: Chikodi, Dist: Belagavi.

(Exparte)

Date of Institution Suit	9.9.2024
Nature of Suit	For Declaration & consequential relief of Mandatory Injunction
Date of commencement of recording of evidence	17.7.2025
Date of closing of evidence	17.7.2025

Date on which judgment is pronounced	16.6.2026
Total duration	Years Months Days 01 09 07

sd/-

(Zaheer Atanur)**C/C Prl. Civil Judge & JMFC,
Chikodi.****:: JUDGMENT ::**

Plaintiff has filed this suit against the defendant seeking to declare the name of his daughter as “**Krishna**” instead of “**Sanskriti**” and to direct the defendant to rectify the wrong entry of name of his daughter in the birth certificate.

2. The Plaintiff case in nutshell is as follows:-

It is contended that, plaintiff is permanent resident of Hunnur RC, Badakundri village, Hukkeri Taluka, Dist: Belagavi. That plaintiff's daughter was born on 4.3.2021 at General Hospital, Chikodi, Tal: Chikodi. After her birth, the relative of the plaintiff has intimated to the concerned TMC, Chikodi to enter her correct name as 'Krishna' in the birth certificate. But the said authority has wrongly mentioned the name of plaintiff's daughter as

'Sanskriti' instead of 'Krishna' in the concerned birth register. The plaintiff and his relatives have kept quiet under the impression that his daughter's name might have been correctly entered in the TMC records.

3. The plaintiff further submits that, recently he required the birth certificate of his daughter for getting aadhaar card and school admission purposes and accordingly he has applied for the same to the TMC, Chikodi, wherein his daughter's name was wrongly mentioned as 'Sanskriti' instead of 'Krishna'. He has immediately approached the Chief Officer, Chikodi and requested him to make necessary correction in the birth certificate of his daughter. But the Chief Officer, Chikodi has refused to do so and directed the plaintiff to bring necessary orders from the Court in this regard. It is further averred in the plaint that, there is no necessity to issue legal notice to the concerned authority to make necessary correction in the birth certificate. Hence, the plaintiff is constrained to file the present suit seeking correction of name of his daughter as Krishna in the birth certificate.

4. In spite of service of suit summons, the defendant did not appear before the Court and hence he has been placed *exparte*.

5. In order to prove his case, the plaintiff has filed his affidavit in lieu of examination-in-chief and examined as PW.1, produced 2 documents marked as Exs.P.1 and P.2. Defendant is *exparte*, hence cross of PW-1 taken as nil. Plaintiff counsel closed his side evidence. Defendant's side evidence taken as nil.

6. I have heard the arguments of learned counsel for the plaintiff and perused the materials available on record.

7. Now the following points arise for my consideration;

:: POINTS ::

1. ***Whether the plaintiff proves that, correct name of his daughter is "Krishna"?***
2. ***Whether plaintiff further proves that, name of plaintiff is wrongly mentioned as "Sanskriti" in the birth certificate of plaintiff?***
3. ***Whether the suit of the plaintiff is barred U/Sec.15 of Birth and Death Registration Act R/W Sec.9 of CPC?***

4. *Whether plaintiff is entitled for the relief as prayed for?*

5. *What order or decree?*

8. My answer to the above Points are as under;

Point No.1: In the **Negative**

Point No.2: In the **Negative**

Point No.3: In the **Affirmative**

Point No.4: In the **Negative**

Point No.5: As per the final order
for the following,

REASONS

9. POINT NOS : 1 TO 4 :- These points are inter-linked with each other. In order to avoid repetition of facts and evidence, these points are taken together at one stretch for common discussion.

10. It is the case of plaintiff that, his daughter was born on 4.3.2021 at General Hospital, Chikodi, Tal: Chikodi and her birth was registered with the defendant. When it has been recently verified by father of plaintiff, it came to the knowledge that, name of plaintiff's daughter in the birth certificate was wrongly mentioned as "Sanskriti" instead of "Krishna". They have approached the defendant, but he has denied the request of plaintiff. Per contra, defendant remained absent and he has been placed exparte.

11. As such, the burden of proving point Nos.1 and 2 is on the shoulder of plaintiff. In order to prove point Nos.1 and 2 plaintiff got examined himself as PW-1 and in his chief examination, he has reiterated the plaint averments. He got marked 2 documents as per Exs.P.1 and P.2. Ex.P-1 is birth certificate of the plaintiff's daughter issued on 06-10-2023, wherein name of his minor daughter is mentioned as "**Sanskriti Ningappa Kamati**" at column No.1.

12. Inspite of service of notice, defendant remained absent and placed exparte.

13. It is to be noted here that, plaintiff has filed this suit seeking to correct the entry of name of his daughter in the birth certificate. In this regard, it is apt to refer the **Judgment of Hon'ble High Court of Karnataka in Mr.Suhas L Vs. Chief Registrar Births and Deaths, reported in RFA No.2454 of 2024 dated 18th July 2025,** wherein Hon'ble High Court of Karnataka has observed pertaining to Section 15 of registration of Births and Deaths Act, which provides for correction or cancellation of entry in the register of Births and Deaths and held that, considering the language employed by the legislature, it is

evident that, statute confirms exclusive authority on the Registrar to carry out enquiries and effect corrections relating to Births and Deaths as recorded in the official registers maintained under the Act.

14. It is further held by the Hon'ble High Court at para No.12 that,

“It is well established principle of law that, jurisdiction of Civil Court U/Sec. 9 of Civil Procedure Code though wide can be expressly or impliedly excluded by the Legislature by enacting the special law for a specific remedy before a designated authority. The registration of Births and Deaths Act is a special statute, which sets out comprehensive procedure for correction of errors through registrar U/Sec.15 and such correction is to be carried out by the statutory functionary designated under the Act and not by a Civil Court”.

The said dictum aptly applies to the case on hand as the plaintiff has filed this suit to correct the entries as

reflected in Birth certificate, which emanates from the records maintained by competent authority under the Births and Deaths Registration Act, 1969 and the issue in the present case directly arise from the official records maintained under the Act and are to be addressed by the Registrar U/Sec.15.

15. Thus, it is contended by the PW-1 that, he has orally requested to the defendant to make necessary corrections in the birth certificate of his daughter, but the defendant refused to do so and did not heed to his request. Further, there is nothing on record to show that, defendant has denied to correct the error in birth certificate of plaintiff's minor daughter. As such, considering the peculiar facts of the case and as it is the question of future of a minor, plaintiff is at liberty to approach appropriate authority for rectification of entry in birth certificate. Thus, this Court is of the considered opinion that, in view of exclusion of jurisdiction of the Civil Court under the Act, plaintiff is not entitled to the relief sought for. Hence, in view of the same. This Court answers **Points No.1, 2 and 4 in the Negative and Point No.3 in the Affirmative.**

16. POINT NO.5:- In the light of the above discussions and findings given on Point Nos.1 to 4 as above, I proceed to pass following ;

ORDER

The suit of the plaintiff is hereby dismissed.

Further, plaintiff is at liberty to approach the appropriate authority and to pursue the statutory remedy available under the Births and Deaths Registration Act, 1969.

Draw decree accordingly.

(Dictated to the Stenographer directly on Computer, the same is revised and corrected by me and then pronounced in the Open court on this 16th day of June, 2026).

sd/-
(Zaheer Atanur)
C/C Prl. Civil Judge & JMFC,
Chikodi.

ANNEXURE

List of witness examined on behalf of plaintiff.

P.W.1 : Ningappa s/o Ningappa Kamati.

List of documents marked on behalf of plaintiff.

Ex.P.1/P.W-1 : Birth certificate of Sanskruti
Ningappa Kamati.
Ex.P.2/P.W-1 : Aadhaar card of plaintiff.

List of witness examined on behalf of defendant.

-NIL-

List of documents marked on behalf of defendant.

- NIL -

Place: Chikodi
Date: 16/06/2026

sd/-
(Zaheer Atanur)
C/C Prl. Civil Judge & JMFC,
Chikodi.