

KABG510005792026



**IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC,
AT : GOKAK.**

PRESENT

SMT. CHAITRA V. KULKARNI,
B.A.,LL.B., LL.M.
ADDL CIVIL JUDGE & J.M.F.C.,
GOKAK.

Original Suit NO.78/2026

DATED THIS THE 20th DAY OF JUNE, 2026

Plaintiff/s	1. Kumar. Sheyash S/o Sidlingappa Sunakuppi, Age : 08 years, Occ : Nil, R/o : Sunakumpi - Vannur, Tq : Bailhongal, Dist : Belagavi, (Since Minor R/by M/G Father, Sri. Sidlingappa S/o Irappa Sunakuppi) (By Sri.S.L.S., Adv.,)
Defendant/s	1. The State of Karnataka, R/by D.C. Belagavi, Dist : Belagavi. 2. The Commissioner, Registrar of Birth & Deaths, City Municipal Council, Gokak.

	(D-1 by L/AGP.,) (By Sri.B.S.K., Adv., for D-2)		
Date of institution of suit	03.02.2026		
Nature of suit	Declaration and mandatory injunction		
Date of commencement of recording of evidence	18.06.2026		
Date of pronouncement of judgment	20.06.2026		
Total duration	Year/s	Month/s	Day/s
	00	04	17

(Smt. Chaitra V. Kulkarni)
Addl.Civil Judge & J.M.F.C.,
Gokak.

:: JUDGMENT ::

The present suit is instituted for the relief of Declaration and mandatory injunction against the defendants, it is prayed to declare the correct name of minor plaintiff as 'Shreyash' and to issue direction to defendants to rectify the same in the birth certificate of the plaintiff and to issue fresh birth certificate.

2. Factual matrix in a nut shell is as under :

The Plaintiff is the permanent resident of Sunakumpi - Vannur in Bailhongal taluk. Defendant No.2 is the authorized officer of Registering Birth and Deaths of City Municipal Council Gokak. It is stated that, mother of plaintiff has given birth to him at Masurkar Hospital Gokak situated at Gokak City. After birth of plaintiff, hospital authorities have intimated said matter to Defendant No.2 office for registration. Thereafter naming ceremony took place, the father of plaintiff intimated name to Defendant No.2 authority as "Shreyash", but Defendant No.2 authority through oversight inadvertently in rush of work entered the Plaintiff's name as "Pratham" instead of his correct name "Shreyash". The said wrong entry of name is continued by the Defendant No.2 till today. Further, the name of plaintiff wrongly shown in birth records maintained by Defendant No.2 authority. The true and correct name of plaintiff is "Shreyash" and public at large identify his name as "Shreyash". The wrong entry of name of plaintiff came to know recently, when father of plaintiff obtained Birth Certificate from Defendant No.2 authority. This being the state of affairs plaintiff's wrong entry of name in birth register maintained by Defendant No.2 has become hurdle for making Aadhaar Card, future education,

service etc. The plaintiff's father has requested the Defendant No.2 official several times to make necessary corrections / rectification in birth records, but they have refused and replied that there is no scope for changing name in records and directed to bring decree from competent court of law. Hence, the plaintiff has constrained to file this suit.

3. The suit summons was duly served on the defendants and Learned AGP appeared for Defendant No.1 and defendant No.2 has appeared through his counsel and he has filed written statement. Learned AGP has filed memo of adoption by adopting written statement of defendant No.2 as written statement of defendant No.1.

4. The defendant No.2 in the written statement has denied all the averments of the plaint and further contended that, as per instructions given by the family members of the plaintiff, the entries are made in the concerned records and the defendant No.2 has not made any mistake in entering the name of plaintiff in the birth records, thus denied that the parents of the plaintiff gave information correctly but defendant No.2 has wrongly entered the name of plaintiff. Defendants further contended that,

in order to rectify their mistake, the plaintiff has filed this false suit against the defendants. Hence sought to dismiss the suit.

5. Based upon the above pleadings, the following issues arise for my consideration.

:ISSUES:

1. *Whether the plaintiff proves that his correct name is Shreyash?*
2. *Whether the plaintiff proves that his name has wrongly entered in his Birth Certificate as "Pratham"?*
3. *Whether the plaintiff is entitled to the relief as prayed for?*
4. *What order or decree?*

6. The father of minor plaintiff in order to prove the case got examined himself as PW.1 and got marked Ex.P.1 to P.3. The PW.1 is cross-examined by learned counsel for defendant No.2/L/AGP. But the defendants No.1 and 2 have not led any evidence on their behalf.

7. The above Issues for consideration are answered as below:

Issue No.1 : In the Affirmative.

Issue No.2 : In the Affirmative.

Issue No.3 : In the Partly Affirmative.

Issue No.4 : As per the final order for the following:-

:: R E A S O N S ::

8. Issues No.1 and 2:- Since both the issues are inter related to each other and in order to avoid repetition of facts they are taken together for consideration.

9. The minor guardian of plaintiff in order to prove his case got examined as PW.1 and he has filed affidavit in lieu of examination in chief. In the affidavit, the averments of the plaint have been reiterated. In support of his case plaintiff produced certain documents, at Ex.P.1 to P.3. Ex.P.1 is the Birth Certificate of minor plaintiff, Ex.P.2 is the Anganawadi Certificate of minor plaintiff and Ex.P.3 is the Bonafide & Character Certificate of minor plaintiff.

10. It is pertinent to note that, the name of the plaintiff is forthcoming in Ex.P.2 as Shreyash, which is issued by the government authority and which does not need formal proof as it has got presumption under law as it has been issued by the government authority. It is only in Ex.P.1 which is the birth

certificate belonging to minor plaintiff, wherein the name of the plaintiff is forthcoming as 'Pratham'.

11. PW.1 is cross-examined by the defendants and during the course of the cross-examination, the defendants have posed the suggestion by denying the case of the plaintiff but the said suggestion is totally denied. This apart, nothing significant is extracted during the course of cross-examination by defendants.

12. On careful evaluation and analysis of the plaintiff averments, evidence of PW.1, the plaintiff has made out a fact that correct name of the plaintiff is 'Shreyash'. On perusal of the material documents especially Ex.P.2, wherein his name is depicting as 'Shreyash'. The plaintiff cannot be made to suffer for the mistake which has not been committed by his guardians, in wrongly entering name of plaintiff in the birth certificate. There is absolutely no material on record to discredit the evidence of PW.1 and documents produced before this Court clearly prove that, correct name of plaintiff is 'Shreyash'. In view of the same the plaintiff has successfully proved that, plaintiff's correct name is 'Shreyash' not 'Pratham' and also proved that the same has

wrongly entered as 'Pratham' in his birth certificate. **As a result the Issue No.1 and 2 are answered in the Affirmative.**

13. Issue No.3:- The plaintiff has successfully proved his case to get relief of declaration but coming to the relief of mandatory injunction, it is important to refer the decision of Hon'ble High Court of Karnataka in ***RSA. NO.2454 OF 2024 (DEC) MR. SUHAS L S/O LATE LOKESH H -Vs- THE CHIEF REGISTRAR BIRTHS AND DEATHS***, wherein it is observed that,

“13. Upon a plain reading of Section 15, it is manifest that the Legislature intended to oust the jurisdiction of Civil Courts in matters relating to correction of birth and death records, which are purely administrative in nature. The scheme of the Act, read harmoniously with the Rules framed thereunder particularly Rules 7 and 11 of the Karnataka Registration of Births and Deaths Rules, 1999 makes it abundantly clear that a special mechanism is provided to address such grievances. The civil court, therefore, lacks jurisdiction where a special statute provides not only the right but also the remedy, including the forum, for its enforcement”.

14. Hence by relying on the above referred decision, since the plaintiff has sought for correction in plaintiff's birth certificate, this court does not have jurisdiction to grant the relief of mandatory injunction by directing the defendant No.2 to effect the correction in the birth certificate of the plaintiff and plaintiff has to take recourse under section-15 of Registration of Births and Deaths Act, 1969, however he has successfully proved his correct name. Hence plaintiff is only entitled to the relief of declaration and as far as relief of mandatory injunction is concerned, plaintiff has got efficacious remedy before the authority concerned under the said Act and he can take shelter of declaration of his name before authority concerned. **Hence, Issue No.3 is answered in the Partly Affirmative.**

15. Issue No.4:- For the reasons stated and the discussions made above, proceed to pass the following:-

:: ORDER ::

The Suit of the plaintiff is partly decreed.

It is declared that the correct name of the plaintiff is 'Shreyash' not 'Pratham'.

The suit in respect of relief of mandatory injunction is hereby dismissed.

Draw Decree accordingly.

(Directly dictated to the stenographer on computer, typed by him, corrected and then pronounced by me in the Open Court on this the 20th day of June - 2026)

(Smt. Chaitra Kulkarni)
Addl. Civil Judge & JMFC,
Gokak.

ANNEXURE

1. List of Witnesses examined for Plaintiffs:

PW.1 : Sidlingappa S/o Irappa Sunakuppi,

2. List of Documents marked for Plaintiffs:

Ex.P.1 : Birth Certificate of minor plaintiff,
Ex.P.2 : Anganawadi Certificate of minor plaintiff,
Ex.P.3 : Bonafide & Character Certificate of minor plaintiff,

3. List of Witnesses examined for Defendants:

- Nil -

4. List of Documents marked for Defendants:

- Nil -

(Smt. Chaitra Kulkarni)
Addl. Civil Judge & JMFC,
Gokak.