

KABG510041582025



Presented on : 21-06-2025

Registered on : 26-06-2025

Decided on : 06-06-2026

Duration : 11Months,11 Days

**IN THE COURT OF PRL. CIVIL JUDGE AND
JMFC GOKAK**

Present: Sri Sampattakumar Balolagidad
B.A. LLB.(Spl)
Prl.Civil Judge and JMFC, Gokak

O.S. No 411/2025

Dated this 06th day of June 2026

Plaintiff/s	1. Shivayya S/o Paramananda Hiremath, Age : 16 years, Occ : Education, R/o : Chachadi, Tq : Yaragatti, Dist : Belagavi, (He is minor, R/by his M/G natural father by name Paramananda S/o : Adavayya Hiremath, Age : 40 years, Occ : Agriculture, R/o : Chachadi, Tq : Yaragatti, Dist : Belagavi.) (By Sri.R.S.B., Adv.,)
Defendant/s	1. The State of Karnataka, R/by Deputy Commissioner, Belagavi, Dist : Belagavi.

	2. The Commissioner / The Registrar of Birth and Death, C.M.C., Gokak, Tq : Gokak, Dist : Belagavi. (D-1 by L/AGP.,) (D-2 By Sri.B.S.K., Adv.)
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Date of institution of suit	26-06-2025		
Nature of suit	Declaration and mandatory injunction		
Date of commencement of recording of evidence	16-02-2026		
Date of pronouncement of judgment	06-06-2026		
Total duration	Year/s 00	Month/s 11	Day/s 11

J U D G M E N T

The present suit is instituted for the relief of Declaration and mandatory injunction against the defendants, it is prayed to declare the plaintiff's correct date of Birth as 29-03-2009 and his parents' permanent place of residence is Yaragatti 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 permanent resident of Chachadi village, Yaragatti Taluk. The minor plaintiff was born on 29.03.2009 at Bennadi Hospital, Gokak. The defendants are the authorized officer for Registering birth and death of said area, hence the plaintiff parents has given correct information about his son's date of birth to the concerned birth registrar. Further, plaintiff father has obtained the birth certificate of minor plaintiff and found that, date of birth and place of residence of minor plaintiff is wrongly entered as 29.11.2007 and Mudalagi instead of 29.03.2009 and Yaragatti in the birth certificate of minor plaintiff. Now the plaintiff is in need of birth certificate of plaintiff for his future education and also to avail the other Government facilities and other purpose etc. Further, the plaintiff has requested to defendants authorities to make necessary correction in the birth register maintained by them, but the concerned authorities have refused to do so, and also

directed the plaintiff to bring appropriate 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 Sri. B.S.K Advocate appeared for defendant No.2 and defendant No.2 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 parents of the minor plaintiff, the entries are made in the concerned records and the defendant No.2 has not made any mistake in entering the date of birth and residence of minor plaintiff in the birth records, thus denied that the parents of the minor plaintiff gave information correctly but defendant No.2 has wrongly entered the date of birth and residence of minor 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 date of birth is 29.03.2009 and his parents' permanent place of residence is Yaragatti?*
2. *Whether the plaintiff further proves that his date of birth and his parents' permanent place of residence have wrongly entered as 29.11.2007 and Mudalagi respectively in his birth certificate?*
3. *Whether the plaintiff is entitled to the reliefs 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.6. The PW.1 is cross-examined by L/AGP and Ld. counsel for defendant No.2 is cross examined PW-1 and also confronted Ex.D.1. L/AGP adopts the same. 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 father of minor plaintiff in order to prove the case got examined himself as PW.1 and has filed affidavit in lieu of examination in chief. In the affidavit, the averments of the plaintiff have been reiterated. In support of his case PW-1 produced certain documents, at Ex.P.1 to P.6. Ex.P.1 is the Transfer Certificate of minor plaintiff, Ex.P.2 is the Aadhaar Card of father of minor plaintiff, Ex.P.3 is the Aadhaar Card of mother of minor plaintiff, Ex.P.4 is the Birth Certificate of minor plaintiff, Ex.P.5 is the SSLC Marks Card of minor plaintiff and Ex.P.6 is the Anganawadi Certificate of minor plaintiff.

10. It is pertinent to note that, the date of birth of the minor plaintiff is forthcoming in Ex.P.1 and Ex.P.5 as 29.03.2009 and the residence of minor plaintiff is forthcoming in Ex.P.6, which are issued by the government authority and which do not need formal proof as they have got presumption under law as they have been issued by the government authority. It is only in Ex.P.4 which is the birth certificate belonging to minor plaintiff, wherein the date of birth and residence of the minor plaintiff is forthcoming as '29-11-2007 and Mudalagi' respectively.

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's averments, evidence of PW.1, the plaintiff has made out a fact that correct date of birth and residence of the minor plaintiff is

29-03-2009 and Yaragatti. On perusal of the material documents especially Ex.P.1, 5 and Ex.P.6, wherein his date of birth and residence is depicting as '29-03-2009 and Yaragatti'. The defendants heavily relied on Ex.D1, but to prove the contents of the Ex.D1 they have not stepped into the witness box, there is no materials on record to believe the contention raised by the defendants. The plaintiff cannot be made to suffer for the mistake which has not been committed by his guardians, in wrongly entering date of birth and residence of minor 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 date of birth and residence of minor plaintiff is '29-03-2009 and Yaragatti'. In view of the same the minor plaintiff has successfully proved that, his correct date of birth and residence is '29-03-2009 and Yaragatti' not '29-11-2007 and Mudalagi' and also proved that the same has wrongly entered as '29-11-2007 and Mudalagi' 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 minor plaintiff has sought for correction in his 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 minor plaintiff and minor plaintiff has to take recourse under section-15 of Registration of Births and Deaths Act, 1969, however he has successfully proved his correct date of birth and residence. Hence minor plaintiff is only entitled to the relief of declaration and as far as relief of mandatory injunction is concerned, minor plaintiff has got efficacious remedy before the authority concerned under the said Act. **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 date of birth of minor plaintiff is 29-03-2009 and not 29-11-2007.**

- It is further declared that the minor plaintiff's parents permanent place of residence is Yaragatti and not 'Mudalagi'.
- The suit in respect of relief of mandatory injunction is hereby dismissed.
- Draw Decree accordingly.

(Directly dictated to the stenographer on computer, typed by her, corrected and then pronounced by me in the Open Court on this the 06th day of June- 2026)

(Sampattakumar Balolagidad)
Prl. Civil Judge & JMFC,
Gokak.

ANNEXURE

1. List of Witnesses examined for Plaintiff:

PW.1 : Paramanand S/o Adavayya Hiremath,

2. List of Documents marked for Plaintiff:

Ex.P.1 : Transfer Certificate,
Ex.P.2 & 3 : Aadhaar Cards,
Ex.P.4 : Birth Certificate,
Ex.P.5 : SSLC Marks Card
Ex.P.6 : Anganawadi Certificate.

3. List of Witnesses examined for Defendants:

- Nil -

4. List of Documents marked for Defendants

Ex.D.1 : Birth Report,

(Sampattakumar Balolagidad)

Prl. Civil Judge & JMFC,
Gokak.