

KABG510002982026



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

:: Present ::
Chaitra V Kulkarni,
B.A., LL.B., LL.M.,
Addl. Civil Judge & JMFC,
Gokak.

O. S. No.42/2026

DATED THIS THE 04th DAY OF AUGUST, 2026

1. Sidrayi S/o Vitthal Koli,
Age : 22 years, Occ : Education,
R/o : Hirehatti, Tq : Gokak, Dist : Belagavi,
Aadhaar No.9438 0480 1576.

.....Plaintiff

(By Shri.R.S.B, Advo.,)

V/s.

1. The State of Karnataka,
R/by Deputy Commissioner,
Belagavi, Dist : Belagavi.
2. The Deputy Director of Public Instructions,
Chikkodi, Dist : Belagavi.
3. The Block Education Officer,
Gokak, Tq : Gokak.

4. The Head Master,
Govt. Higher Primary School Hirehatti,
Tq : Gokak, Dist : Belagavi.
5. The Head Master,
J.V & S.V. Koutanal School, Gokak,
Tq : Gokak, Dist : Belagavi.
6. The Head Master,
New English School, Gokak,
Tq : Gokak, Dist : Belagavi.

.....Defendants

(Deft No.1 to 4 By L/A.G.P.,)
(Deft No.5 & 6 Exparte)

Date of Institution of suit	:	23.01.2026		
Nature of suit	:	Suit for reliefs of declaration and Mandatory injunction		
Date of commencement of Recording of evidence	:	18.07.2026		
Date of pronouncement of Judgment	:	04.08.2026		
Total Duration	:	Years	Months	Days
		00	06	12

:: JUDGMENT ::

The plaintiff has filed suit for reliefs of declaration and Mandatory injunction against the defendants.

2. The brief case of the plaintiff is that:-

The plaintiff is resident of Hirehatti village, Taluk Gokak. He has taken admission for 1st to 4th standard in the school of defendant No.4, 5th standard in the school of defendant No.5, after 6th to 8th standard in the school of defendant No.6. Further, the correct particulars of plaintiff were furnished by parents of plaintiff, such as name, father's name, mother's name, surname, caste, date of birth etc. The plaintiff was born on 03.05.2002 at Hirehatti village, his date of birth has been entered correctly in school records from 9th standard to PUC. The plaintiff has taken admission to 1st to 4th standard at schools of defendant No.4 to 6 and in the school records maintained by defendant No.4 to 6 they wrongly mentioned the date of birth and name of the plaintiff as Sidaray instead of Sidrayi and Date of Birth as 30.05.2002 instead of 03.05.2002 and the same were continued in the school records maintained by defendant No.4 to 6. The plaintiff has completed his education up to degree and the change in date of birth and name of plaintiff has come to his knowledge very recently, then he approached and requested the school authorities of

defendant No.4 to 6 to rectify the school records 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. After issuance of suit summons, the defendant No.1 to 4 have appeared through Ld/A.G.P and defendant No.5 and 6 have remained absent, hence defendant No.5 and 6 are placed *exparte*. The defendant No.3 has filed written statement and defendant No.1, 2 and 4 have filed a memo by adopting the written statement of the defendant No.3.

4. In the written statement, the averments of the plaint are denied and it is further contended that, as per the instructions given by the parents of the plaintiff entries are made in the school records maintained by them and the defendants have not made any mistake in entering the name and the date of birth of the plaintiff in the school records. Further, contended that, plaintiff has filed this false suit against the defendants and suit is not maintainable

under law. There is no cause of action. The suit is barred by limitation. Therefore, the plaintiff is not entitled to the reliefs sought for. Hence, they have prayed for dismissal of the suit.

5. After going through the pleadings this Court has framed the following.

Issues

1. Whether the plaintiff proves that his correct date of birth is 03.05.2002 and his correct name is Sidrayi?
2. Whether the plaintiff further proves that, his date of birth and name are wrongly entered as 30/05/2002 and Sidray respectively in his school records?
3. Whether the plaintiff is entitled to the reliefs as prayed for ?
4. What order or decree?

6. The plaintiff in order to prove his case got examined himself as PW.1 and got marked Ex.P.1 to Ex.P.23. The defendants have not led any evidence.

7. Heard the learned counsel appearing for the plaintiff and Ld. A.G.P and after going through the records, this Court answers the above issues as follows.

Issue No.1 to 3:- In the Affirmative,

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

REASONS

8. Issue No.1 and 2:- Since both issues are interlinked with each other, they are taken up together for discussion at once for avoiding repetition of facts.

9. In order to prove the case of the plaintiff got examined as PW-1 by filing affidavit in lieu of examination in chief and reiterated the plaint averments. he also got marked the documents Ex.P.1 to Ex.P.7. Ex.P.1 to 3 are study certificates, Ex.P.4 is the Aadhaar Card of Plaintiff,

Ex.P.5 is the Birth Certificate, Ex.P.6 is the marks card of 10th standard, Ex.P.7 is the PUC marks card.

10. PW.1 is cross-examined by A.G.P., he has stated in the cross-examination that he is pursuing degree, he has denied the suggestions made to him by L/AGP and nothing worth culled out from his mouth by the defendants to disprove his case.

11. On perusal of Ex.P.2, 3, 5 to 7 the date of birth of plaintiff is appearing as "03.05.2002" and his name as Sidrayi. On perusal of Ex.P.1 the same are appearing as "30.05.2002" and his name as Sidray. The plaintiff averred that his date of birth is wrongly entered as "30.05.2002" and his name as Sidray instead of "03.05.2002" and name as Sidrayi in his school records. The Ex.P. 2, 3, 5 to 7 which are birth certificate, previous school records and Aadhaar Card of plaintiff, wherein the date of birth of plaintiff is appearing as 03.05.2002 and his name as Sidrayi and defendants have not led contra evidence hence, there are no reasons to disbelieve these documents and they clearly

depict that, date of birth of plaintiff is “03.05.2002” and his name as Sidrayi. The defendants have not challenged the entries of Ex.P. 2, 3, 5 to 7. Hence, Ex.P. 2, 3, 5 to 7 are sufficient to hold that the date of birth of plaintiff is “03.05.2002” and his name as Sidrayi. Further, it clearly appears that date of birth and name of plaintiff in the Ex.P.1, are entered contrary to the entries in Ex.P. 2, 3, 5 to 7 which is particularly the date of birth of the plaintiff and month, year of Birth are correct in all the records including Ex.P.1.

12. The defendant No.1 to 4 have taken contention in written statement that the suit is false one and cause of action is not there in this case. There is no mistake on behalf of the defendants in entering plaintiff's date of birth as “30.05.2002” and his name as Sidray. But, in order to support the contentions, the defendants have not produced any oral or documentary evidence to rebut the evidence of plaintiff. Hence, the defence taken by the defendants is not believable.

13. On going through Ex.P.2, 3, 5 to 7, it appears that, the plaintiff's correct date of birth is "03.05.2002" and his name as Sidrayi. On going through Ex.P.1 it appears that, the plaintiff's date of birth and name have wrongly entered in the initial school records and he has sought only for correction of his date of birth and name in the school records and it is pertinent to note that, the correction sought is in respect of date of birth and name of plaintiff only in his initial school records, if the order will be passed to rectify the same in the said document of plaintiff, no hardship will be caused to third party. if the suit is decreed no s will be caused to the defendants. On the other hand if suit is dismissed, plaintiff will be put to irreparable loss and injury. If date of birth and name of plaintiff is continued wrongly in his initial school records, the plaintiff has to face serious problem in future with respect to his date of birth and name for any transactions. Further, this Court does not find any material on record to discredit the evidence of PW.1 and plaintiff will be in advantageous position if the suit is decreed.

14. Further, it is pertinent to note that, the plaintiff is seeking to effect the correction of his date of birth and name which were correctly entered in his later school records only in initial school records, he is claiming rectification, which clearly shows that, there is no intention of getting any benefits by getting increased his age in days and 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 name of plaintiff in the school records, if it is continued, the plaintiff will face inconvenience in his future. In view of the same the plaintiff has successfully proved that correct date of birth of plaintiff is 03.05.2002 and correct name is Sidrayi and the same have wrongly entered as 30.05.2002 and Sidaray in his school records. As a result the **Issue No.1 and 2 are answered in the Affirmative.**

15. Issue No.3:- The PW.1 has successfully proved Issue No.1 and 2. As such plaintiff is entitled to relief U/s.34 Specific Relief Act. The preponderance of probability

is in favour of plaintiff. No hardship would be caused to the defendants if the plaintiff's date of birth and name are rectified. On the other hand the plaintiff would be extensively benefited by the said declaration and rectification. Thereby the plaintiff is entitled to the declaration of is date of birth as "03.05.2002" and name as Sidrayi. The plaintiff is also entitled to the relief of mandatory injunction to direct against the defendants for rectification of the same in the concerned records. **Hence, Issue No.3 is answered in the Affirmative.**

16. Issue No.4:- For the reasons stated and discussion made above, this Court passes the following.

::ORDER::

The Suit of the plaintiff is decreed.

It is declared that the correct name of plaintiff is Sidrayi and correct date of birth of the plaintiff is '03.05.2002'.

The Defendants concerned are hereby directed to rectify and enter the name and date of birth of plaintiff in school records concerned forthwith as Sidrayi and 03.05.2002, wherever they are appearing as Sidaray and 30.05.2002.

In the peculiar facts and circumstances of the case the parties shall bear their own cost.

Draw Decree accordingly.

(Dictated to the Stenographer directly on computer, computerized by him, corrected and then pronounced by me in the open court today the 4th August 2026)

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

ANNEXURE

1. LIST OF WITNESSES EXAMINED ON BEHALF OF PLAINTIFF:

PW.1 : Sidrayi S/o Vitthal Koli,

2. LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENDANTS:

- Nil -

3. LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PLAINTIFF:

Ex.P.1 to 3 : Study certificates,
Ex.P.4 : Aadhaar Card of Plaintiff,
Ex.P.5 : Birth Certificate,
Ex.P.6 : Marks card of 10th standard,
Ex.P.7 : PUC marks card,

4. LIST OF DOCUMENTS EXHIBITED ON BEHALF OF DEFENDANTS:

- Nil -

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