

KABG510019532026



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

Present:- **SHRI. ABHINAY**
B.C.A, L.L.B., LL.M.
II Addl. Civil Judge & JMFC,
Gokak.

O.S. No. 171/2026

Dated this the 06th day of August 2026

Plaintiff/s :-	Kumar. Shreetan S/o. Veerabhadra Dandin Age: 03 years, Occ: Nil (Since minor R/by his natural mother) Smt. Kavita W/o. Veerabhadra Dandin Age: 32 years, Occ: Household R/o: Pamaladinni, Tq: Gokak, Dist: Bidar.
(By Sri. V.B.M, Advocate)	
//Versus//	
Defendant/s:-	1. The State of Karnataka Represented by Deputy Commissioner, Belagavi.
	2. The Commissioner Town Municipal Council, Ghataprabha, Tq: Gokak, Dist: Belagavi.
(D-1 by Learned AGP) (D-2 R/by Sri. B.S.K Adv)	

Date of Institution of suit	:	10.03.2026		
Nature of suit	:	Suit for declaration and consequential relief of rectification		
Date of commencement of Recording of evidence	:	17.07.2026		
Date of pronouncement of Judgment	:	06.08.2026		
Total Duration	:	Year	Months	Days
		0	4	27

(Abhinay)

II 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 minor plaintiff's correct name is 'Shreetan Veerabhadra Dandin' and to issue direction to defendants to rectify the same in his birth certificate.

2. Brief facts of the case are as under:

The minor plaintiff by name Shreetan Veerabhadra Dandin was born on 14.10.2023 at Arogya Adhaar Hospital, Ghataprabha Taluk Gokak, the birth details of minor plaintiff was entered in the concerned birth register maintained by

defendant No.2. Further, the parents of minor plaintiff have furnished the correct information to the defendant No.2 to enter the details of minor plaintiff. But in the said birth certificate at, column No.1 the plaintiff name is wrongly entered as 'Dharmraj' instead of 'Shreetan'. In fact the plaintiff's correct name is 'Shreetan'. Further, wrong entries in the birth certificate of minor plaintiff came to the knowledge of parents of minor plaintiff, after obtaining birth certificate from defendant No.2 office. Immediately plaintiff requested defendant No.2 to rectify the wrong entries made in minor plaintiff's birth certificate but the defendant No.2 refused to rectify the wrong entry in minor plaintiff's birth certificate and given direction to plaintiff to approach competent court. Hence, the plaintiff has constrained to file this suit.

3. In pursuance to the suit summons, the defendant No.1 has appeared through learned AGP. The defendant No.2 appeared through Shri. B.S.K Advocate. Defendant No.2 filed written statement and the same was adopted by defendant No.1 by filing a memo.

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 name of the plaintiff in the birth records, thus denied the fact that parents of the plaintiff gave information correctly but defendant No.2 has wrongly entered the name of plaintiff in birth certificate. 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 'Shreetan Veerabhadra Dandin'?***
2. ***Whether the plaintiff proves that his name is wrongly entered as 'Dharmraj' instead of 'Shreetan' in the birth certificate?***
3. ***Whether the plaintiff is entitled to the relief as prayed for?***
4. ***What order or decree?***

6. The mother of minor plaintiff in order to prove the case got examined herself as PW.1 and got marked Ex.P.1 to P.5.

PW.1 is cross-examined by 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 mother of minor plaintiff in order to prove the case got examined herself as PW.1 and has filed affidavit in lieu of examination in chief. In the affidavit, the averments of the plaint have been reiterated. In support of her case PW-1 produced certain documents, at Ex.P.1 to P.5. Ex.P.1 is the Aadhar card of minor plaintiff, Ex.P.2 is the Aadhar card of mother of minor plaintiff, Ex.P.3 is the Aadhar card of the father

of the plaintiff, Ex.P4 is the Birth certificate of minor plaintiff, Ex.P5 is the Reply given by Town Municipal Council, Ghataprabha.

10. It is pertinent to note that, the correct name of the minor plaintiff is forthcoming in Ex.P.1 as 'Shreetan'. It is only in Ex.P.4 which is the birth certificate of minor plaintiff wherein the name of the minor plaintiff is forthcoming as 'Dharmraj'.

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 name of the minor plaintiff's is 'Shreetan'. On perusal of documents especially Ex.P.1. The minor plaintiff cannot be made to suffer for the mistake which has not been committed by him, in wrongly entering name of minor plaintiff's

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 the minor plaintiff is 'Shreetan'. In view of the same the plaintiff has successfully proved that his correct name is 'Shreetan' not 'Dharmraj' in his birth certificate. **As a result the Issue No.1 and 2 are answered in the Affirmative.**

13. Issue No.3:- The plaintiffs have successfully proved their case to get relief of declaration but coming to the relief of mandatory injunction. Since the 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 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. **Hence, Issue No.3 is answered in the Partly Affirmative.**

14. 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 minor plaintiff is 'Shreetan Veerabhadra Dandin'.

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 August - 2026)

(Abhinay)

II Addl. Civil Judge & J.M.F.C.,
Gokak.

ANNEXURE

1. List of Witnesses examined for Plaintiffs:

PW.1 : Smt. Kavita Veerabhadra Dandin

2. List of Documents marked for Plaintiffs:

Ex.P.1 : Aadhar card of minor plaintiff
Ex.P.2 : Aadhar card of mother of the plaintiff

Ex.P.3 : Aadhar card of father of minor plaintiff
Ex.P.4 : Birth Certificate of minor plaintiff,
Ex.P.5 : Reply given by Town Municipal Council,
Ghataprabha

3. List of Witnesses examined for Defendants:

- Nil -

4. List of Documents marked for Defendants:

- Nil -

(Abhinay)

II Addl. Civil Judge & J.M.F.C.,
Gokak.