

KABG510032422025



**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.

**O S NO.284/2025**

**DATED THIS THE 19<sup>th</sup> DAY OF JUNE, 2026**

|                    |                                                                                                                                                                                 |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plaintiff/s</b> | 1. Laxman S/o. Bhirappa Dabaj,<br>Age : 78 Years, Occ: Agriculture,<br>R/o : Pamaldinni, Tq : Gokak,<br>Aadhaar No.2771 5253 7537.<br><br><b>(By Sri.S.S.Mungarwadi, Adv.,)</b> |
| <b>Defendant/s</b> | 1. The State of Karnataka,<br>R/by Deputy Commissioner,<br>Belagavi, Dist : Belagavi.<br><br>2. The Tahasildar,<br>Gokak.<br><br><b>(D-1 &amp; D-2 by L/AGP.,)</b>              |

|                                               |   |                                               |        |      |
|-----------------------------------------------|---|-----------------------------------------------|--------|------|
| Date of Institution of suit                   | : | 17-04-2025                                    |        |      |
| Nature of suit                                | : | Suit for Declaration and Mandatory Injunction |        |      |
| Date of commencement of Recording of evidence | : | 12-03-2026                                    |        |      |
| Date of pronouncement of Judgment             | : | 19-06-2026                                    |        |      |
| Total Duration                                | : | Years                                         | Months | Days |
|                                               |   | 01                                            | 02     | 02   |

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

**:: 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 name of plaintiff's deceased aunt's by name Smt. Bagavva's husband's name is Siddappa Dabaj and to issue direction to defendants to rectify the same in the death certificate of the plaintiff's aunt by showing name of her husband as husband's name by

striking out the entry as father's name and to issue fresh death certificate.

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

The plaintiff is permanent resident of Pamaladinni village, Tq. Gokak. The plaintiff is the son of younger brother of the deceased Siddappa S/o Laxmappa @ Laxman Dabaj. The deceased Siddappa S/o. Laxmappa @ Laxman Dabaj is died on 16-10-1957. The wife of deceased Siddappa by name Smt. Bagavva W/o Siddappa Dabaj is died on 18-09-1963 and son of deceased Siddappa and deceased Bagavva by name Laxman S/o Siddappa Dabaj is died on 23-05-1958. The family of deceased Siddappa has no issue left behind. The plaintiff is the only legal heir who is coming under class II of the Hindu Succession Act. The plaintiff has inherited the rights and liabilities of family of deceased Siddappa as their legal heir. The deceased Smt. Bagavva is wife of deceased Siddappa Dabaj. The people in the locality are know and recognize the deceased Smt. Bagavva is wife

of deceased Siddappa Dabaj. In the death certificate of deceased Smt. Bagavva at Column No.6, name of husband i.e., Siddappa Dabaj is mentioned as name of father of deceased Smt. Bagavva. But the husband name of deceased Smt. Bagavva is wrongly entered in the death certificate issued by defendant No.2 as father's name, inspite of correct information given by family members. Therefore, the plaintiff approached defendant No.2 on 26-03-2025 for correction of entry as father's name into husband's name in column No.6 of death certificate of deceased Smt.Bagavva. The defendant No.2 refused to make correction, asked to produce 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 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 family members of plaintiff, the entries are made in the concerned records and the defendant No.2 has not made any mistake in entering name in the death certificate, thus denied that the family member of the plaintiff gave information correctly but defendant No.2 has wrongly entered the name of husband i.e., Siddappa Dabaj as name of father of deceased Smt. Bagavva. Defendants further contended that, in order to rectify his 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, deceased Smt.Bagavva is his aunt and her husband name is Siddappa Dabaj ?*

2. *Whether the plaintiff further proves that Smt.Bagavva's husband's name has wrongly shown as her father's name instead of husband's name ?*
3. *Whether the plaintiff is entitled to the reliefs as prayed for?*
4. *What order or decree?*

**6.** The 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. 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 plaintiff in order to prove his case got examined his SPA holder 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.6. Ex.P.1 is the death Certificate of deceased Smt. Bagavva, Ex.P.2 is the death certificate of deceased Laxman Shiddappa Dabaj, Ex.P.3 is the death certificate of deceased Siddappa, Ex.P.4 is the special power of attorney. Ex.P.5 is the Adhar card of plaintiff, Ex.P.6 is plaintiff's father's death certificate.

**10.** It is pertinent to note that, the plaintiff has averred that he is deceased Bagavva Dabaj's husband's brother's son and the said Bagavva, her son, her husband have died long back without any issues, the plaintiff is only legal heir

who comes within purview of Class-II legal heirs of Hindu Succession Act and in the Ex.P.1 the husband's name of said Bagavva has shown as father's name. To establish the relationship with said Bagavva, the plaintiff has produced Ex.P.6 which is death certificate of his father, on combined reading of Ex.P.3 and P.6 which are death certificates of father of plaintiff and his father's brother's, it appears that the entry of name of father at column No.6 of Ex.P.3 and 6 are one and same i.e., Laxmappa Dabaj, hence plaintiff has shown that he is relating to deceased Bagavva. Further, in respect of entry in Ex.P.1, the husband's name of Bagavva is Siddappa but same has shown as her father's name in the said document. It is to be noted that, said Siddappa's name has shown as father's name in the death certificate of son of Bagavva and Siddappa which is produced at Ex.P.2 and the name of Bagavva is shown as mother's name, hence, on careful reading of Ex.P.1 to 3 it can be borne out that, the husband's name of deceased Bagavva is Siddappa

and same has shown as her father's name in her death certificate.

**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 plaint averments, evidence of PW.1, the plaintiff has made out a fact that husband's name of deceased Bagavva is 'Siddappa'. On perusal of the material documents especially Ex.P.1, wherein his name is depicting as father's name but same has to be husband's name. 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's aunt's husband's name is 'Siddappa'. In view of the same the plaintiff has successfully

proved that, name of plaintiff's aunt's husband's name is 'Siddappa' it is not her father's name and also proved that the same has wrongly shown as father's name in her death 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, 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 aunt's death 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 death certificate of the deceased Bagavva and plaintiff has to take recourse under section-15 of Registration of Births and Deaths Act, 1969, however he has successfully proved name of husband of deceased Bagavva is Siddappa and same has wrongly shown as her father's 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.**

**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 name of the plaintiff's aunt by name Bagavva Dabaj's husband's name is Siddappa.

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 19<sup>th</sup> day of June - 2026)*

**(Smt. Chaitra Kulkarni)**  
Addl. C.J & JMFC,  
Gokak.

**ANNEXURE**

**1. List of Witnesses examined for Plaintiffs:**

PW.1 : Bhirappa Laxman Dabaj

**2. List of Documents marked for Plaintiffs:**

Ex.P.1 to 3 & 6 : Death Certificates,  
Ex.P.4 : Special Power of Attorney,  
Ex.P.5 : Aadhaar Card.

**3. List of Witnesses examined for Defendants:**

- Nil -

**4. List of Documents marked for Defendants:**

- Nil -

**(Smt. Chaitra Kulkarni)**  
Addl. C.J & JMFC,  
Gokak.