

KABG510007782026



**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.139/2026

DATED THIS THE 06th DAY OF JUNE, 2026

Plaintiff/s	1. Kumari. Samruddi Vinayak Benki, Age : 06 years, (Since plaintiff is minor R/by her M/G. Natural father, Shri. Vinayak Ravindra Benki, Age : 35 years, Occ : Agriculture, R/o : Sarapur, Tq : Hukkeri, Dist : Belagavi.) (By Sri.S.V.Patil., Adv.,)
Defendant/s	1. The Tahashildhar, Gokak Tq : Gokak. 2. The Village Accountant, Dhupadal Village, Tq : Gokak. 3. The Deputy Commissioner,

	Belagavi, Dist : Belagavi. (D-1 & 3 by L/AGP.,) (D-2 Exparte)		
Date of institution of suit	02.03.2026		
Nature of suit	Declaration and mandatory injunction		
Date of commencement of recording of evidence	08.04.2026		
Date of pronouncement of judgment	06.06.2026		
Total duration	Year/s	Month/s	Day/s
	00	03	04

(Smt. Chaitra V. Kulkarni)
Prl. 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 Samrudhi Vinayak Benki and her mother's correct name is Nilavva Vinayak Benki'

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 minor plaintiff by name Samrudhi Vinayak Benki was born on 21.08.2019 at K.H.I Hospital Dhupadal-Ghataprabha, taluk Gokak, the birth details of minor plaintiff was entered in the concerned birth register maintained by defendants under register No.597442/V/B2019/002002 and certificate issued on 12.06.2025 and the father of minor plaintiff had given correct information about his daughter's name to the concerned birth registrar. But the concerned authorities have wrongly entered the minor plaintiff's name as Vishnu instead of Samrudhi Vinayak Benki, and her mother's name as Neelavva instead of Nilavva Vinayak Benki. Thereafter the minor plaintiff's father has obtained the birth certificate of his daughter and found that, her name and mother's name had wrongly entered as Vishnu and Neelavva instead of Samrudhi Vinayak Benki and Nilavva Vinayak Benki. Thereafter the plaintiff's parents have requested to defendants 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 3 and defendant No.1 has filed written statement. Learned AGP has filed memo of adoption by adopting written statement of defendant No.3 as written statement of defendant No.1 and defendant No.2 has remained absent, hence defendant No.2 is placed Exparte.

4. The defendant No.1 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 defendants have not made any mistake in entering the minor plaintiff's name and her mother's name of plaintiff's in the birth records, thus denied the fact that parents of the plaintiff gave information correctly but defendants has wrongly entered the minor plaintiff's name and mother's name of plaintiff in birth certificate.

5. 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.

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

:ISSUES:

1. *Whether the plaintiff proves that her correct name is Samrudhi Vinayak Benki and her mother's correct name is Nilavva Vinayak Benki?*
2. *Whether the plaintiff proves that her name and her mother's name have wrongly entered as Vishnu and Neelavva respectively in her birth certificate of column No.1 and 5?*
3. *Whether the plaintiff is entitled to reliefs as sought for?*
4. *What order or decree?*

7. 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.5. The PW.1 is cross-examined by L/AGP. But the defendants have not led any evidence on their behalf.

8. 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 ::

9. 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.

10. The plaintiff in order to prove her case got examined her minor guardian as PW.1 and PW.1 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 plaintiff produced certain documents, at Ex.P.1 to P.5. Ex.P.1 is the Birth Certificate of minor plaintiff, Ex.P.2 is the Aadhaar Card of Mother of minor plaintiff, Ex.P.3 is the Aadhaar Card of father of minor plaintiff, Ex.P.4 is the Mother Card of minor plaintiff and Ex.P.5 is the Anganawadi Certificate of minor plaintiff,

11. It is pertinent to note that, the name and mother name of the minor plaintiff are forthcoming in Ex.P.4 and 5 as Samrudhi Vinayak Benki and Nilavva Vinayak Benki, 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.1 which is the birth certificate belonging to minor plaintiff, wherein the name of the minor plaintiff and her mother's name are forthcoming as 'Vishnu and Neelavva'.

12. 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.

13. On careful evaluation and analysis of the plaint averments, evidence of PW.1, the plaintiff has made out a fact that correct name of the minor plaintiff is 'Samrudhi Vinayak Benki' and her mother's correct name is "Nilavva Vinayak Benki". On perusal of the material documents especially Ex.P.4 and 5, wherein her name and her mother name are depicting as "Samrudhi Vinayak Benki" and "Nilavva Vinayak Benki". The plaintiff cannot be made to suffer for the mistake which has not been committed by her 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 minor plaintiff is "Samrudhi Vinayak Benki" and her mother's correct name is "Nilavva Vinayak Benki". In view of the same the plaintiff has successfully proved that, minor plaintiff's correct name is "Samrudhi Vinayak Benki" not "Vishnu" and her mother's name is "Nilavva Vinayak Benki" not "Neelavva" and also proved that the same have wrongly entered as "Vishnu and Neelavva" in her birth certificate. **As a result the Issue No.1 and 2 are answered in the Affirmative.**

14. Issue No.3:- The plaintiff has successfully proved her 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”.

15. Hence by relying on the above referred decision, since the plaintiff has sought for correction in her birth certificate, this court does not have jurisdiction to grant the relief of mandatory injunction by directing the defendants to effect the correction in the birth certificate of the minor plaintiff and plaintiff has to take recourse under section-15 of Registration of Births and Deaths Act, 1969, however she has successfully proved her and her mother's correct names. 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.**

16. 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 minor plaintiff is "Samrudhi Vinayak Benki" not "Vishnu" and her mother's name is "Nilavva Vinayak Benki" not "Neelavva".**
- **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 06th day of June - 2026)

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

ANNEXURE

1. List of Witnesses examined for Plaintiffs:

PW.1 : Shri. Vinayak Ravindra Benki,

2. List of Documents marked for Plaintiffs:

Ex.P.1 : Birth Certificate of minor plaintiff,

Ex.P.2 : Aadhaar Card of Mother of minor plaintiff,
Ex.P.3 : Aadhaar Card of father of minor plaintiff,
Ex.P.4 : Mother Card of minor plaintiff's,
Ex.P.5 : Anganawadi 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.