

KABG510041602025



**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.403/2025

DATED THIS THE 04th DAY OF JULY, 2026

Plaintiff/s	1. Kumar. Manu S/o Revappa Hirekodi, Age : 07 years, Occ : Student, (Plaintiff No.1 is minor R/by his natural father plaintiff No.2) 2. Revappa S/o Appayya Hirekodi, Age : 43 years, Occ : Agriculture, R/o : Talakatnal, Tq : Gokak, Dist : Belagavi. (By Sri.K.B.B., Adv.,)
Defendant/s	1. The State of Karnataka, R/by D.C. Belagavi, Dist : Belagavi. 2. The Tahasildar, Birth & Death Registrar, Gokak.

	3. The Taluka General Hospital, Gokak, Tq : Gokak. (D-1 to 3 by L/AGP.,)		
Date of institution of suit	24.06.2025		
Nature of suit	Declaration and mandatory injunction		
Date of commencement of recording of evidence	17.06.2026		
Date of pronouncement of judgment	04.07.2026		
Total duration	Year/s	Month/s	Day/s
	01	00	10

(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 correct name of minor plaintiff No.1 as 'Manu' and to issue direction to defendants to rectify the same in the birth certificate of the plaintiff No.1 and to issue fresh birth certificate.

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

The plaintiffs are permanent resident of Talakatnal, Village Taluk Gokak, District Belagavi. The plaintiff No.1 was born on 26/06/2018 at the Taluka General Hospital Gokak, Taluk Gokak, after that, the name of plaintiff No.1 was entered in the Taluka General Hospital Gokak on 30/06/2018 bearing Registration No.803030/H/B/2018/002038. Thereafter, his birth certificate was issued by the Taluka General Hospital Gokak on dated:17/07/2018. But in the same, name of plaintiff No.1 was wrongly entered i.e., at column No.1 as Manikanth. But his correct name is "MANU" but in column No.1 in the birth certificate of plaintiff No.1 his name has wrongly entered as Manikanth instead of "MANU". The plaintiff always recognized by his name as MANU. All school documents of plaintiff No.1 other relevant records of plaintiff No.1, his name is appearing as "MANU".

3. Further, now the Plaintiff No.1 is studying in 2nd standard. So the Plaintiff No.1 is applying for scholarship and he is appearing for Murarzi Desai school exams and intending to obtain other Government benefits and other benefits. The said

wrong entry has come to knowledge of plaintiffs recently. Thereafter, plaintiff No.2 approached the Tahashidar Register Birth & Death Gokak and Taluka General Hospital Gokak to get the plaintiff No.1's name in his Birth Certificate. But the defendants have refused to do so and directed the plaintiffs to bring decree from competent court of law. Hence, the plaintiffs have constrained to file this suit.

4. The suit summons was duly served on the defendants and Learned AGP appeared for Defendant No.1 to 3 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 and 3.

5. 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 plaintiff No.1, the entries are made in the concerned records and the defendant No.2 has not made any mistake in entering the name of plaintiff in the birth records, thus denied that the parents of the plaintiff No.1 gave information correctly but defendant No.2 has wrongly entered the name of 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.

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

:ISSUES:

1. *Whether the plaintiffs prove that correct name of plaintiff No.1 is Manu not Manikanth?*
2. *Whether the plaintiffs prove that the name of plaintiff No.1 has wrongly entered in his birth certificate?*
3. *Whether the plaintiffs are entitled to the reliefs as prayed for?*
4. *What order or decree?*

7. The plaintiff in order to prove the case got examined himself as PW.1 and got marked Ex.P.1 to P.4. The PW.1 is cross-examined by L/AGP. But the defendants No.1 to 3 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 plaintiffs in order to prove their case got examined plaintiff No.2 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 their case plaintiffs have produced certain documents, at Ex.P.1 to P.4. Ex.P.1 and 2 are the Aadhaar Cards of plaintiff No.1 and 2, Ex.P.3 is the Birth Certificate of plaintiff No.1 and Ex.P.4 is the Transfer Certificate of plaintiff No.1.

11. It is pertinent to note that, the name of the plaintiff No.1 is forthcoming in Ex.P.4 as Manu, which is issued by the government authority and which does not need formal proof as it has got presumption under law as it has been issued by the government authority. It is only in Ex.P.3 which is the birth certificate belonging to plaintiff No.1, wherein the name of the plaintiff No.1 is forthcoming as 'Manikanth'.

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 plaintiffs 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 plaintiff No.1 is 'Manu'. On perusal of the material documents especially Ex.P.4, wherein his name is depicting as 'Manu' and the name and other details in Ex.P.4 have been entered with the instructions given by parents of plaintiff No.1, who have named the plaintiff No.1, under such circumstances, there are chances wrong entry made by authorities about name of plaintiff No.1 and it appears that, in Ex.P.2 the name of plaintiff No.1 has entered as per entry in the Ex.P.3. It is to be noted that, school records (such as a Transfer Certificate or SSLC marks card) often carry high evidentiary value when discrepancies arise from clerical errors. Thus the plaintiff No.1 cannot be made to suffer for the mistake which has not been committed by his guardians, in wrongly entering his

name 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 plaintiff No.1 is 'Manu'. In view of the same the plaintiffs have successfully proved that, plaintiff No.1's correct name is 'Manu' not 'Manikanth' and also proved that the same has wrongly entered as 'Manikanth' in his birth certificate. **As a result the Issue No.1 and 2 are answered in the Affirmative.**

14. 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”.

15. Hence by relying on the above referred decision, since the plaintiffs have sought for correction in plaintiff No.1's 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 No.1 and plaintiffs have to take recourse under section-15 of Registration of Births and Deaths Act, 1969, however they have successfully proved plaintiff No.1's correct name. Hence plaintiffs are only entitled to the relief of declaration and as far as relief of mandatory injunction is concerned, plaintiffs have got efficacious remedy before the authority concerned under the said Act and they can take shelter of declaration before authority concerned.

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 plaintiffs are partly decreed.**
- **It is declared that the correct name of the plaintiff No.1 is 'Manu' not 'Manikanth'.**
- **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 04th day of July - 2026)

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

ANNEXURE

1. List of Witnesses examined for Plaintiffs:

PW.1 : Sri. Revappa S/o Appayya Hirekodi,

2. List of Documents marked for Plaintiffs:

Ex.P.1 & 2 : Aadhaar Cards of plaintiff No.1 and 2,
Ex.P.3 : Birth Certificate of plaintiff No.1,
Ex.P.4 : Transfer Certificate of plaintiff No.1,

3. List of Witnesses examined for Defendants:

- Nil -

4. List of Documents marked for Defendants:

- Nil -

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