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**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.406/2025

DATED THIS THE 1st DAY OF August, 2026

Plaintiff/s	1. Sheshappa S/o Basavaraj Duragannavar, Age : 16 years, Occ : Education, R/o : Upparahatti, Tq : Gokak, (Since plaintiff is minor R/by his M/G. Natural father, Basavaraj Yamanappa Duragannavar, Aadhaar No.7015 2594 5023, Age : 35 years, Occ : Agriculture, R/o : Upparahatti, Tq : Gokak, Dist : Belagavi.) (By Sri.Y.L.D., Adv.,)
Defendant/s	1. The State of Karnataka, R/by D.C. Belagavi, Dist : Belagavi.

	2. The Tahashildar, Birth & Death Registrar, Gokak. (D-1 & 2 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	09.07.2026		
Date of pronouncement of judgment	01.08.2026		
Total duration	Year/s	Month/s	Day/s
	01	01	08

(Smt. Chaitra V. Kulkarni)
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 correct name of minor plaintiff as 'Sheshappa S/o Basavaraj Durgannavar' and his father's correct name is Basavaraj Duragannavar 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 Plaintiff is the permanent resident of Upparahatti village, Gokak taluk, District Belagavi. The minor plaintiff was born on 20.06.2009 at the Upparahatti Village, Taluk Gokak, after that, the parents of minor plaintiff had given correct information about their son's name to the concerned birth registrar. But the concerned authorities have not entered the name of minor plaintiff and wrongly entered the father name of minor plaintiff as Basu durgannavar instead of Basavaraj S/o Yamanappa Duragannavar. Thereafter the minor plaintiff's father has obtained the birth certificate and found that, his son's name has not entered and father name of minor plaintiff has wrongly entered as Basu durgannavar instead of Basavaraj Yamanappa Duragannavar. 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 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 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 information about minor plaintiff in his birth records, thus denied that the parents of the plaintiff 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.

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

:ISSUES:

1. *Whether the plaintiff proves that his correct name is Sheshappa S/o Basavaraj Durgannavar and his father's correct name is Basavaraj S/o Yamanappa Duragannavar?*
2. *Whether the plaintiff proves that his name has not entered and his father's name has wrongly entered as Basu Durgannavar in his birth certificate ?*
3. *Whether the plaintiff is entitled to the reliefs as prayed for ?*
4. *What order or decree ?*

6. 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.4. The PW.1 is cross-examined by learned counsel for defendant No.2/ 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 minor guardian of plaintiff in order to prove his case got examined 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.4. Ex.P.1 is the Anganawadi Certificate of minor plaintiff, Ex.P.2 is the Birth Certificate of minor plaintiff and Ex.P.3 and 4 are the Aadhaar Cards of father and mother of minor plaintiff.

10. It is pertinent to note that, the name of the plaintiff is forthcoming in Ex.P.1 as Sheshappa Basavaraj Duragannavar, and name of father of plaintiff is forthcoming as Basavaraj Yamanappa Duragannavar in Ex.P.3 which are 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.2 which is the birth certificate belonging to minor plaintiff, wherein the name of the minor plaintiff has not entered and father name of minor plaintiff is forthcoming as 'Basu Duragannavar'.

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 correct name of the minor plaintiff is 'Sheshappa S/o Basavaraj Duragannavar' and father name of minor plaintiff is Basavaraj S/o Yamanappa Duragannavar. On perusal of the material documents especially Ex.P.1, wherein his name is depicting as 'Sheshappa S/o Basavaraj Duragannavar'. The plaintiff cannot be made to suffer for the mistake which has not been committed by his guardians, in not entering name of plaintiff and wrongly entering name of father 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 plaintiff is 'Sheshappa S/o Basavaraj Duragannavar' and his father's correct name is Basavaraj Yamanappa Duragannavar. In view of the same the plaintiff has successfully proved his and his father's correct names and also proved that the name of minor plaintiff is not entered and the father name of minor plaintiff has wrongly entered as 'Basu Durgannavar' in his birth certificate. **As a result the Issue No.1 and 2 are answered in the Affirmative.**

13. Issue No.3:- The plaintiff has successfully proved his 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 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 and he can take shelter of declaration of his and his father's names before authority concerned. **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 correct name of the minor plaintiff is 'Sheshappa S/o Basavaraj Duragannavar' and father name of minor plaintiff 'Basavaraj S/o Yamanappa Duragannavar' not 'Basu Durgannavar'.

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 1st day of August - 2026)

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

ANNEXURE

1. List of Witnesses examined for Plaintiff:

PW.1 : Basavaraj S/o Yamanappa
Duragannavar'

2. List of Documents marked for Plaintiff:

Ex.P.1 : Anganawadi Certificate of minor
plaintiff,
Ex.P.2 : Birth Certificate of minor plaintiff,
Ex.P.3 & 4 : Aadhaar Cards of father and mother 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.