

KABG510057282025



**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.466/2025

DATED THIS THE 3rd DAY OF AUGUST, 2026

Plaintiff/s	1. Anvita D/o Mahesh Janmatti, Age : 10 years, Occ : Education, R/o : Mamadapur, Tq : Gokak, Dist : Belagavi, Aadhaar No.8123 5452 7244. Since minor R/by her M/G natural mother, Smt. Parvati W/o Mahesh Janmatti, Age : 32 years, Occ : Agriculture, R/o : Mamadapur, Tq : Gokak, Dist : Belagavi, Aadhaar No.4181 5034 8694. (By Sri.R.S.B., Adv.,)
Defendant/s	1. The State of Karnataka, R/by Deputy Commissioner, Belagavi, Dist : Belagavi.

	2. The Tahashildar, Registrar of Birth and Death, Gokak, Tq : Gokak, Dist : Belagavi. (D-1 & 2 by L/AGP.,)		
Date of institution of suit	18.07.2025		
Nature of suit	Declaration and mandatory injunction		
Date of commencement of recording of evidence	17.07.2026		
Date of pronouncement of judgment	03.08.2026		
Total duration	Year/s	Month/s	Day/s
	01	00	16

:: JUDGMENT ::

The present suit is instituted for the relief of Declaration and mandatory injunction against the defendants to declare the minor plaintiff's father's and mother's correct names as 'Mahesh Babu Janmatti' and 'Parvati Mahesh Janmatti' 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 Mamadapur village, Gokak taluk, District Belagavi. The minor plaintiff was born on 23.11.2014 at Maradishivapur village, after that, the parents of minor plaintiff had given correct information about their daughter's name to the concerned birth registrar. But the concerned authorities have not entered the father's and mother's name of minor plaintiff's as furnished by them and wrongly entered the mother's name and father's name of minor plaintiff as Puja Mahesh Janmatti instead of Parvati W/o Mahesh Janmatti and Mahesh Janmatti instead of Mahesh Babu Janmatti. Thereafter the minor plaintiff's mother has obtained the birth certificate and found that, her and her husband's name have wrongly entered as Puja Mahesh Janmatti instead of Parvati W/o Mahesh Janmatti and Mahesh Janmatti instead of Mahesh Babu Janmatti. 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 Defendants 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 father's name and mother's name of 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 mother's name and father'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 father's correct name is Mahesh Babu Janmatti and her mother's correct name is Parvati Mahesh Janmatti ?*
2. *Whether the plaintiff further proves that her father's name and mother's name are wrongly entered as Mahesh Janmatti and Pooja Mahesh Janmatti respectively in her birth Certificate ?*
3. *Whether the plaintiff is entitled to the reliefs as prayed for ?*
4. *What order or decree ?*

7. 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. The PW.1 is cross-examined by L/AGP. But the defendants No.1 and 2 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 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.

11. Ex.P.1 is the Aadhaar Card of minor plaintiff, Ex.P.2 is the progress report of minor plaintiff, Ex.P.3 is the Aadhaar Card of mother of minor plaintiff, Ex.P.4 is the Aadhaar Card of father of minor plaintiff and Ex.P.5 is the Birth Certificate of minor plaintiff.

12. It is pertinent to note that, the correct name of the father and mother of minor plaintiff are forthcoming in Ex.P.1 to Ex.P.4 as 'Mahesh Babu Janmatti' and 'Parvati Mahesh Janmatti'. It is only in Ex.P.5 which is the birth certificate of minor plaintiff, wherein the father and mother name of the minor plaintiff are forthcoming as '*Mahesh Janmatti and Pooja Mahesh Janmatti*'.

13. 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.

14. On careful evaluation and analysis of the plaint averments, evidence of PW.1, the plaintiff has made out a fact that correct names of the minor plaintiff's father and mother are 'Mahesh Babu Janmatti' and 'Parvati Mahesh Janmatti'. not 'Mahesh Janmatti and Pooja Mahesh Janmatti'. On perusal of the various documents especially Ex.P.1 to Ex.P.4, wherein their names are depicting as 'Mahesh Babu Janmatti' and 'Parvati Mahesh Janmatti'. not 'Mahesh Janmatti and Pooja Mahesh

Janmatti'. The minor plaintiff cannot be made to suffer for the mistake which has not been committed by her guardians, in wrongly entering name of minor plaintiff's father and mother 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 names of father and mother of minor plaintiff are 'Mahesh Babu Janmatti' and 'Parvati Mahesh Janmatti'. In view of the same the plaintiff has successfully proved that her father's and mother's correct names are 'Mahesh Babu Janmatti' and 'Parvati Mahesh Janmatti'. not 'Mahesh Janmatti and Pooja Mahesh Janmatti' and the same have wrongly entered as 'Mahesh Janmatti and Pooja Mahesh Janmatti' in her birth certificate. **As a result the Issue No.1 and 2 are answered in the Affirmative.**

15. 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”.

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 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 she has successfully proved her father's and mother's 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 she shall take shelter of declaration. **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 names of the father and mother of plaintiff are 'Mahesh Babu Janmatti' and 'Parvati Mahesh Janmatti'. not 'Mahesh Janmatti and Pooja Mahesh Janmatti'.
- 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 03rd day of August- 2026)

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

ANNEXURE

1. List of Witnesses examined for Plaintiff:

PW.1 : Parvati W/o Mahesh Janmatti,

2. List of Documents marked for Plaintiff:

Ex.P.1 : Aadhaar Card of minor plaintiff,
Ex.P.2 : Progress report of minor plaintiff,
Ex.P.3 : Aadhaar Card of mother of minor plaintiff,
Ex.P.4 : Aadhaar Card of father of minor plaintiff,
Ex.P.5 : Birth Certificate of minor plaintiff,

3. List of Witnesses examined for Defendants:

- Nil -

4. List of Documents marked for Defendants:

- Nil -

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