

KABG610015752025



Presented on : 06.08.2025
Registered on : 06.08.2025
Decided on : 09.06.2026
Duration: 0 Years 10 Months 03 days

**IN THE COURT OF CIVIL JUDGE AND JMFC,
HUKKERI**

Present: **ADITYA R. KALAL.,** B.A.L. LL.B. LL.M (Symbiosis)
Civil Judge and JMFC., Hukkeri

Dated, on this 9th day of June, 2026

ORIGINAL SUIT No.212/2025

PLAINTIFF : **Holevva Halappa Patil**
(Since Minor R/by her natural
guardian mother)
Satyavva Halappa Patil,
Hosavantamuri,
Tq: Hukkeri, Dist: Belagavi

(By Sri. S.B.Gudasi, Advocate)

V/s

DEFENDANT : The Deputy Commissioner, Belagavi.
Tq: Belagavi, Dist: Belagavi.

The Tahasildar, Hukkeri
Tq: Hukkeri, Dist: Belagavi

(By Learned A.G.P.)



J U D G E M E N T

1. The plaintiff has filed this suit, seeking the relief of declaration and injunction, to rectify her surname, which is wrongly entered as "Irabhavi " instead of "Patil" and is also seeking mandatory injunction against the defendants to rectify the surname in their Register of Births.

BRIEF FACTS OF THE CASE :

2. It is the case of the plaintiff that , the plaintiff No. 1 was born at the government hospital of Islampur Village and her name was entered as "Holiyavva Hallappa Patil". And the said name is also entered in the Aadhar card as well as in the Ration Card correctly as "Holiyava Hallappa Patil". Even in the school records and also in the Aadhar card of the plaintiff No. 1, her first name has been entered correctly and her surname is entered as "Patil". It is further stated that after the birth of the plaintiff No. 1, her mother went to the office of the Registrar of Births and orally informed the authorities that the name of the plaintiff No. 1 was Holiyavva Hallappa Patil. But the defendant No. 2 has wrongly entered her name in the Register as "Holiyavva Hallappa Irabhavi". Therefore, the plaintiff No. 1 has



made application for rectification of the said name, which is entered in the Register of Births.

3. It is stated that the plaintiff No. 2 is the mother of plaintiff No. 1. When the plaintiff No. 2 verified the Birth Certificate, then she came to know that the surname has been wrongly entered as “Irabhavi” instead of “Patil”. Therefore, she made an application to the defendant No. 1 and 2 on 12/05/2025 to rectify the said surname. But the defendant No. 2 refused to make the correction and stated that he has no powers to make the correction. He has asked her to approach the Court and has given an endorsement dated 30/06/2025. Therefore, the plaintiff No. 1 and 2 have made this suit seeking the relief of declaration and also mandatory injunction against the defendants, to rectify the surname as “Patil” instead of “Irabhavi” in the birth certificate as well as the Birth Register. The cause of action is said to have arisen on 12/05/2025 when the application was made by plaintiff No. 2 and when the defendant No. 2 issued an endorsement on 30/06/2025.

**DEFENCE OF THE DEFENDANTS**

4. After the service of the suit summons, the defendant No. 1 and 2 have appeared through the Additional Government Pleader, but they have not filed any Written Statement. As the statutory period for filing the Written Statement was expired, the WS was taken as not filed by the defendants by order dated 03/11/2025. And the case was posted for plaintiff evidence.

5. The plaintiff No. 2 has got examined herself as PW1 and has got marked Exhibit P1 to P9 documents. She has closed her side of evidence . The defendants did not lead any evidence and have not cross examined the PW1.

6. The advocate for the plaintiff has not canvassed the arguments, even though sufficient opportunity was given to him.

7. After going through the plaint and the evidence lead by the plaintiff, the following points arise for the consideration of this Court :

**POINTS FOR CONSIDERATION**

Point No. 1 : Whether the plaintiff No. 1 and 2 prove that the her surname in the Birth Register has been wrongly entered as “Irabhavi” instead of “Patil” and her correct name is “Holevva Halappa Patil”?

Point No. 2 : Whether the plaintiff is entitled for the relief of declaration and injunction as prayed for ?

Point No. 3 : What order or decree ?

8. This Court answers the above **points No. 1 and 2 in the affirmative** for the following :

REASONS

9. POINTS NO. 1 AND 2 : In this case, the plaintiff No. 2 is the mother of plaintiff No.1 . Her contention is that at the time of the birth of the plaintiff No. 1 at Islampur Government Hospital, she had given information that the name of the child was “Holiyavva Hallappa Patil”. But when she informed the



same to the defendant No. 2 to make an entry in the Register of Births, he wrongly entered her name as “Holiyavva Hallappa Irabhavi”. Therefore, the plaintiff No. 2 states that the surname has been wrongly entered as “Irabhavi” instead of “Patil”. Therefore, she has sought for rectification of the said entry. She states that she made an application on 12/05/2025 to the Register of Births and Deaths, i.e., the Tahasildar, Hukkeri. But the Tahasildar gave an endorsement stating that he has no powers to make the correction and has sent her to the court.

10. The PW1 has reiterated her contentions taken in the plaint and has got marked Ex. P1 to P9 documents. Ex. P1 is the birth certificate of the plaintiff, which shows that her name is entered as “Holiyavva Hallappa Irabhavi” and the date of birth is 21/03/2019 and the name of the mother is entered as Satyavva Hallappa Irabhavi and the place of birth is shown as PHC Islampur, Hukkeri Taluk. Ex. P2 is the Aadhar card of plaintiff No. 1, which shows that her name is entered as Holiyavva Hallappa Patil and her father's name is entered as Hallappa Patil. Ex. P3 is the Aadhar card of the plaintiff No. 2, which shows that her name is entered as Satyavva Hallappa



Patil and her husband's name is entered as Hallappa Patil. Ex. P4 is the Aadhar card of plaintiff No.1's father and husband of plaintiff No. 2, which shows that his name is entered as Hallappa Maruti Patil. Ex. P-5 is the ration card of the family of the plaintiff No. 1 and 2, which shows that her name is entered as Satyavva Hallappa Patil and all the family members name is also entered, including the plaintiff No. 1's name, wherein the surname is shown as Patil. Ex.P-6 is the death certificate of the husband of plaintiff No. 2, Hallappa Maruti Patil, which shows that he died on 21/05/2025 at KLE Prabhakar Kore Hospital, Belagavi. Ex. P-7 is the application made by the plaintiff No.2 to the Tahasildar, Hukkeri for rectification of the name in the birth register. Ex.P-8 is the endorsement issued by the Tahasildar, Hukkeri on 30/06/2025 stating that he has no powers to rectify the surname from Irabhavi to Patil and has asked her to get the order of the concerned judicial court.

11. Ex.P-9 is the school certificate of one Maruti Durgappa Patil, who is the grandfather of the plaintiff No. 1 and their village is shown as Veerabhavi of Belagavi Taluk.



12. As could be seen from the records and the documents and the plaintiff evidence which is produced before the court, it is clear that the surname of the plaintiff No. 1 and 2 is Patil and the surname of the plaintiff No. 1 has been wrongly entered as “Irabhavi”, whereas Irabhavi is a name of the village in Belagavi Taluk, which is the residence of the grandfather of the plaintiff No. 1. Therefore, there is an error in making the entry at the time of registration of the birth of the plaintiff No. 1. Therefore, the plaintiff has every right for rectification of her name in the Birth Register as claimed by her.

13. Section 34 of The Specific Relief Act, 1963, allows a person to sue for a declaratory decree when their legal character or property right is denied, or someone is interested in denying it, enabling the courts to declare their title, even if no further relief (like possession) is sought, provided they aren't omitting to seek necessary further relief. It's a discretionary power for courts to resolve legal uncertainties about status or ownership, crucial for establishing rights. A man's status or legal status or 'legal character' is constituted by attributes, which the law attaches to him in his individual or personal



capacity, the distinctive mark or dress as it were, with which the law clothes him. Legal character means a position recognized by law. According to Holland the chief variety of status among natural persons may be referred to the following causes: sex, minority, mental defect, rank, caste, official position, civil death, illegitimacy, profession, etc.

14. The plaintiff has approached the Registrar, i.e., the defendant No. 2 , but the same is not corrected by him. Hence, in view of the above observations, it is seen that there is no dispute that the name of the plaintiff is “Holevva Halappa Patil” . If the said correction is carried out by the defendants, there would be no harm to them. On the other hand, if the same is left uncorrected, the plaintiff No.1 would face hardship in her carrier. Hence the same needs to be corrected for her future career endeavors. The said correction does not fall within the ambit of rectification of the birth entry, but instead a declaratory relief u/s 34 of The Specific Relief Act 1963 and the courts can make a declaration to that effect. Therefore, I am of the opinion that the plaintiff No. 1 and 2 are entitled for the relief of declaration and mandatory injunction as sought for.



Accordingly, the points No.1 and 2 are answered in the affirmative.

15. Point No.3:- In view of the aforesaid reasons and discussions, I proceed to pass the following;

ORDER

The suit of the plaintiff is hereby decreed with cost.

It is hereby declared that the name of the plaintiff is "Holevva Halappa Patil" and the same needs to be incorporated in her Birth Register .

The defendants are hereby directed to carryout the corrections in their Birth Registers and issue the corrected birth certificate as stated above.

Draw decree accordingly.

(Dictated to the typist directly on computer, typed by him and the transcript revised and corrected by me and pronounced in the open Court, on this 9th day of June, 2026)

**(ADITYA R. KALAL)
CIVIL JUDGE AND JMFC
HUKKERI.**



:A N N E X U R E:

I. List of witnesses examined from plaintiff side.

P.W.1 - Satyawwa Halappa Patil

II. List of documents exhibited on behalf of plaintiff:

Ex.P.1 : Birth certificate

Ex.P-2 to 4: Aadhar cards

Ex.P-5 : Family ration card

Ex.P-6 : Death certificate

Ex.P-7 : Application given to Tahasildar

Ex.P-8 : Endorsement issued by Tahasildar

Ex.P-9 : School certificate

III. List of witnesses examined from defendants:-

Nil

IV. List of documents exhibited on behalf of defendants:-

Nil

**(ADITYA R. KALAL)
CIVIL JUDGE AND JMFC
HUKKERI.**



(Order pronounced in open court,
vide separate Judgement)

ORDER

(ADITYA R. KALAL)
Civil Judge & JMFC
Hukkeri