



Presented on : 27.09.2024
Registered on : 01.10.2024
Decided on : 01.08.2026
Duration : 01Y.10M.05D

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 1st day of August, 2026

ORIGINAL SUIT No.238/2024

PLAINTIFF :

1. **Sabera Khwaja Patel,**
Age: 61 years, Occ: Household,
R/o: Vidyagiri, Ajam Nagar, Belagavi
Tq: Dist: Belagavi.

(Represented by Shri. R.I. Patil, Advocate)

Versus

DEFENDANTS :

1. **The Head Master,**
Government Urdu Primary School,
Tq: Hukkeri, Dist: Belagavi
2. **The Head Master,**
Tipu Sultan High School, Hukkeri
Tq: Hukkeri, Dist: Belagavi
3. **The Block Education Officer,**
Hukkeri, Tq: Hukkeri, Dist: Belagavi
4. **The Deputy Director of Public Instructions**
Tq: Chikkodi, Dist: Belagavi



6. **The District Commissioner,**
Belagavi, Tq:Dist: Belagavi
7. **The Secretary,**
Karnataka Higher Education
Examination Board, Bengaluru
8. **The Chief Secretary**
Government of Karnataka,
Vikas Soudha/ M.S. Building, Bengaluru

***(D-1, 3 to 7 are represented by Learned AGP)
(D2 is placed exparte)***

J U D G E M E N T

1. The plaintiff has filed this suit against the defendants seeking the relief of declaration of her name as '**Sabera**' and for mandatory injunction, directing the defendants to make necessary corrections in the school records, where the name of the plaintiff is wrongly entered as '**Saberabegum**'.

The brief facts of the plaintiff's case are as follows:

2. The plaintiff submits that she is the resident of Vidyagiri, Belagavi, and before her marriage her parents'



place was Hukkeri. After the marriage with one Khaja Patil, her name in the Aadhar card is changed as Sabera Khaja Patil, and she is now resident of CTS 1380, Bauxite Road, Azam Nagar, Vidyagiri, Belagavi.

3. It is stated that the plaintiff has completed her 1st to 7th standard in the school of the defendant No. 1, and at the time of admission, the plaintiff's name was entered as Sabera, Daughter of Ibrahim Khaji. But the defendant No. 1 school authorities, at the time of admission, have written her name as "Sabera Begum" instead of "Sabera Ibrahim Khaji".

4. Further, it is stated that the plaintiff completed her 8th to 10th standard in the school of defendant No. 2 and the said mistake has been carried in the said school records also. It is further submitted that the plaintiff has her Aadhar card and passports in the name of "Sabera." It is further stated that defendant No. 1 and 2 have wrongly entered the name.

5. It is further stated that the as the school records were directly sent to the next school, the mistake in the name was not noticed by the plaintiff or her parents. It is said that



recently, in the last week of June, as the plaintiff wants to go to live with her son who is living in a foreign country, she took the school certificates, and then she came to know that in the school records her name is entered as “Sabera Begum”.

6. It is said that the plaintiff requested defendants No. 1 and 2 to make the correction, and they did not accept her request. It is stated that on 20.08.2024, the defendants stated that they have no authority to make the correction and asked her to approach the Court. The defendants No. 3 to 7 are the higher officials of defendants No. 1 and 2. Therefore, the plaintiff has filed this suit seeking the relief of declaration.

DEFENCE OF THE DEFENDANTS

7. After the institution of the suit, summons was issued to defendants. In response to summons, the defendants No.1, 3 to 7 have entered appearance through the Learned AGP. The defendant No.3 has filed his written statement and the same was adopted by the defendants No.1, 4 to 7. The defendant No.2 has not appeared inspite of the service of the summons and he is placed exparte.



8. In the written statement of defendants No.1, 3 to 7, they have contended that that they have not made any mistakes in their records while entering the name of the plaintiff. The alleged mistakes if any, in the records are not due to their acts or omission and same are due to wanton, negligent and deliberate acts of parents of the plaintiff. The defendants state that if any person wants to change the name, the same has to be done by an affidavit before the notary public and the same needs to be published in the Official Gazette and the same also needs to be published in two daily newspapers. As the plaintiff has not followed all these rules, the said correction cannot be made at this stage. Therefore, the rectification of the records sought does not arise and they pray to dismiss the suit.

9. On the basis of the pleadings, this court has framed the following issues:

ISSUES

1. Whether the plaintiff proves that her name is "Sabera" and it is wrongly mentioned as "Saberabegum" in her school records ?



2. Whether the defendants prove that there was no mistake on the part of the defendants while entering the name of the plaintiff ?

3. Whether the plaintiff is entitled for the relief of declaration and injunction as prayed for ?

4. What order and decree ?

10. In order to prove the case, the plaintiff has got examined herself as PW1 and got marked 4 documents as Ex.P1 to P 4 and closed her side. On the other hand, the defendants did not choose to lead any evidence.

11. Heard the arguments of the learned counsels for the plaintiff and the defendants.

12. On perusal of the records, oral and documentary evidence placed before the Court, this Court answers the above issues as under:

Issue No.1 : In the Affirmative
Issue No.2 : In the Affirmative
Issue No.3 : In the Affirmative
Issue No.4 : As per final order
for the following :

**REASONS**

13. ISSUES No.1 to 3 :- Since these issues are interlinked with each other and as they form part of same transaction, they are taken up together for common discussion to avoid the repetition of facts.

14. In order to prove her case, the plaintiff herself has got examined as PW.1 and has filed her affidavit in lieu of her oral examination-in-chief as PW1 and has got marked Ex.P1 to Ex.P.4 documents. The PW-1 states that her name is “Sabera” and it is wrongly entered as “Saberabegum” in her school records and the same needs to be corrected and that if left, it would cause her irreparable loss and legal injury to her. The learned APP has cross examined the PW-1 and has denied the case of the plaintiff and has stated that the said error is due to the information provided by the plaintiff's parents and not due to negligent act of the school authorities.

15. The plaintiff has got marked Ex.P1 to 4 documents, Ex.P1 is the School Transfer Certificate which shows the name of plaintiff as “Saberabegum”. Ex.P-2 is the Aadhar



card of plaintiff which shows the name of the plaintiff as “Sabera Khwaja Patel”, Ex.P-3 is the S.S.L.C. Marks card of plaintiff which shows her name as “Saberabegum Ibrahim Kazi” and Ex.P-4 is the PAN card and it shows the name of the plaintiff as “Sabera Khwaja Patel”. The document Ex.P-1 and Ex.P-3 School Transfer certificate and S.S.L.C Marks card of plaintiff shows her name as “Saberabegum” and Ex.P-2 Aadhar card and Ex.P-4 PAN card shows her name as “Sabera”. All these documents go to show that, the plaintiff’s name is Sabera and that it is wrongly entered in the school records as Saberabegum and the same needs to be corrected. Both the names, Sabera and Saberabegum belong to the plaintiff only.

16. Under section 34 of The Specific Relief Act, 1963, any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion made therein a declaration that he is so entitled, and the plaintiff need not,



in such suit, ask for any further relief. Therefore the plaintiff is entitled to seek the relief of declaration with respect to her correct name. If the defendants deny that , it would amount to denying the legal character of the plaintiff.

17. The mistake made even if by the plaintiff's father or mother cannot be a ground to deny the rights of the plaintiff. The said question is no longer *res integra* and same has been settled by Hon'ble High Court of Karnataka in ***Smt. Dorasanamma Vs. State of Karnataka (RFA No.284/2014 (DEC) decided on 02.09.2016***), wherein the Hon'ble High Court was pleased to hold that, "*...There need not be a mistake in furnishing the name while admitting into the Educational Institution and the name can be changed according to the wish of the candidate*". Para-9 of the Judgment supra reads thus :

"9. The appellant filed a suit seeking for declaration, declaring her changed name as Divya.G. instead of Dorasanamma. The Change of Name Act provides that name of a student up to secondary level also can be changed by



getting judgment and decree from the jurisdictional court. Without the decree passed by the Competent court, the name cannot be changed in the school records. When the student attains majority and if he/she has an intention to change his/her name, the intention must be disclosed through an affidavit sworn to before the Court Officer/Notary or Magistrate in a Stamp Paper of Rs.20/- and the same has to be published in two leading news papers to make known to the general public regarding change of name. So far as student is concerned, change of name in the school records is done only on furnishing the judgment and decree by the competent Civil Court. In view of that, the appellant filed a suit seeking for declaration to declare her name as Divya.G as provided under the Change of Name Act. The reasons assigned by the trial court to dismiss the suit is contrary to the change of Name Act. There need not be a mistake in furnishing the name while admitting into the Educational Institution. The name can be changed according to the wish of the candidate. The change of Name Act provides for the same. In the instant case, none of the respondents objected for change of name. The



necessary documents with regard to swearing of the affidavit in a stamp paper before the competent authority and also two paper publications made available to the court. Hence, the question of dismissing the suit for change of name is contrary to law".

17. Similarly in another case, in **Gunda Naika P.S. Vs. The State of Karnataka and others (RFA No.322/2013 (DEC), decided on 10.12.2013)**, the Hon'ble High Court was pleased to hold that, *"The only pre-requirement for effecting the change of name in the educational records by the Deputy Director of Public Instructions is the obtaining of the decree from the competent Civil Court"*. Para-12 of the Judgment reads as follows :

"12. The trial court's reasoning that the appellant has not followed the procedure prescribed by the State and the Central Government is also not tenable. The respondents are in no position to point out any statutory provision or rule or Government order or circular prescribing the procedure for the change of name. On



the other hand, the perusal of the circular dated 02/05/2000, shows that, the only pre-requirement for effecting the change of name in the educational records by the Deputy Director of Public Instructions is the obtaining of the decree by the applicant at the hands of the Competent Civil Court".

18. Hence, it has been clear that, there need not be a mistake in furnishing name while admitting to the school. Even name can be changed by declaration in Affidavit and by publishing such change in news paper. The said change of name can also be incorporated in school records in place of old one, if there is a decree of competent Civil Court, which the Deputy Director of Public Instructions requires to make necessary changes in school records. Therefore there is no period of limitation prescribed for the said change of name or correction of the school records. Hence the suit is not barred under limitation.

19. Due to a clerical error, the future of the plaintiff should not be ruined. If the mistake has occurred even by the mistake of the father of the plaintiff, it has to be rectified



and if left unchecked, it will cause hardship to the plaintiff. Therefore, I am of the opinion that the plaintiff is entitled for the relief of declaration and mandatory injunction as sought for. **Accordingly, the issues No.1 to 3 are answered in the Affirmative.**

20. **Issue No.4:-** In view of the aforesaid reasons and discussions, I proceed to pass the following;

ORDER

The suit of the plaintiff is hereby decreed.

It is hereby declared that the correct name of the plaintiff is "Sabera" . (ಸಬೇರಾ)

The defendants are hereby directed by way of mandatory injunction, to carryout the said corrections in their records .

No order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, typed by her and the transcript revised and corrected by me and pronounced in the open Court, on this 1st day of August, 2026).

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



:A N N E X U R E:

I. List of witnesses examined on behalf of plaintiff :

P.W.1 - Sabera Khwaja Patel

II. List of documents exhibited on behalf of plaintiff :

Ex.P.1 : School Transfer Certificate

Ex.P.2 : Adhar card of plaintiff

Ex.P.3 : S.S.L.C. Marks card

Ex.P.4 : PAN card

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 order)

ORDER

**Civil Judge and JMFC.,
Hukkeri.**