

KABK210017142025



Presented on : 02-09-2025

Registered on : 02-09-2025

Decided on : 06-07-2026

Duration : 0 years, 10 months, 4 days

IN THE COURT OF PRI. CIVIL JUDGE AND JMFC., MUDHOL

PRESENT: SRI. LAGAMA S. HUKKERI,

B.A.,LLB (Spl).

DATED THIS THE 6TH DAY OF JULY-2026

ORIGINAL SUIT NO.181/2025

PLAINTIFF:

1. Kum. Lokesh S/o Basavaraj Choudhari.
Age: 16 years, Since minor represented by
his natural guardian mother
Smt. Basawwa W/o Basavaraj Choudhari,
Age: 35 years, Occ: Household work,
R/o: Lokapur, Tal: Mudhol, Dist: Bagalkot.

(By Sri.SLP, Adv.)

-Versus-

DEFENDANTS:

1. The State of Karnataka,
R/by Deputy Commissioner,
Belagavi, Tq and Dist: Belagavi.
2. The Deputy Director of Public Instructions,
Chikkodi, Dist: Belagavi.
3. The Block Education Officer,
Athani, Dist: Belagavi.

4. The State of Karnataka,
R/by Deputy Commissioner,
District Administration Bhavan,
Navanagar, Bagalkot.
5. The Deputy Director of Public Instructions,
District Administration Bhavan,
Navanagar, Bagalkot.
6. The Block Education Officer,
Mudhol, Dist: Bagalkot.
7. The Head Master,
Government Kannada Higher Primary School,
Dabadabahatti, Tal: Athani, Dist: Belagavi.
8. The Head Master,
Swami Vivekanand Primary School,
Lokapur, Tal: Mudhol, Dist: Bagalkot.
9. The Head Master,
Government Model Primary School,
Lokapur, Tal: Mudhol, Dist: Bagalkot.
10. The Head Master,
Sadashiv Cham. Panchakattimath Kannada
Medium,High School, Lokapur, Tal: Mudhol,
Dist: Bagalkot.
11. The Principal,
C.M.Panchakattimath Independent
P.U.College, Lokapur, Tal: Mudhol, Dist:
Bagalkot.

Date of institution of suit	: 02-09-2025	
Nature of Suit	: For Declaration	&
	Mandatory injunction.	
Date of the commencement of recording of the evidence	: 05-01-2026	
Date of pronouncement of Judgment	: 06-07-2026	
Total duration	: Year/s Month/s Day/s	
	: 00 10 04	

The plaintiff has filed present suit against the defendants for the relief of declaration declaring his date of birth as 08-03-2010 and mandatory injunction for rectification of the same in his school and college records.

It is averred in the plaint that plaintiff is the permanent resident of Lokapur village, Taluka Mudhol, District Bagalkot and he was born on 08-03-2010 in the KEM Hospital, Mudhol and accordingly date of birth of plaintiff came to be registered as 08.03.2010 in the Births

and Deaths Register maintained by Registrar of births and deaths, City Municipal Council, Mudhol under No.803044/U/B/2010/003666 dated 04-05-2010. Further it is contended that parents of plaintiff use to celebrate his birthday every year on 8th March. Further it is contended that plaintiff has studied 1st standard education in defendant No.7 school, 2nd to 4th standard education in defendant No.8 school, 5th to 8th standard education in defendant No.9 school, 9th and 10th standard education in defendant No.10 school and he is now pursuing PUC education in defendant No.11 college.

3. Further it is contended that at the time of admission of plaintiff in defendant No.7 school, the parents of the plaintiff have informed the date of birth of plaintiff as 08-03-2010 and defendant No.7 school through oversight wrongly entered the date of birth of plaintiff as 03-06-2009 in his school records. Further it is averred that recently on 16-05-2025 the parents of the plaintiff verified the school records of the plaintiff and came to know about wrong entry of date

of birth of plaintiff in his school records and therefore immediately they have approached the defendants and requested them to rectify date of birth of plaintiff as 08-03-2010 in his school records by deleting 03-06-2009 and inspite of that defendants have failed to rectify date of birth of plaintiff in his school records. Therefore plaintiff got issued notice U/Sec.80(1) of CPC to defendants through his counsel for rectification of his date of birth as 08.03.2010 in his school records by deleting 03.06.2009 and defendants failed to comply the said notice. Hence, plaintiff has filed present suit against the defendants for the relief of declaration and rectification of his date of birth as 08-03-2010 in his school and college records.

4. In response to the suit summons, defendants No.1 to 7 and 9 have appeared before the court through learned AGP and they have filed detail written statement. In fact defendant No.6 has filed written statement and same was adopted by defendant No.1 to 5, 7 and 9. In spite of service of suit summons, defendant No.8 and 10 have failed to

appear before the court and hence they were placed ex-parte.

During the pendency of the present suit plaintiff got impleaded defendant No.11 college to the present suit and inspite of service of suit summons, said college failed to appear before the court and hence defendant No.11 placed ex-parte.

5. The defendant No.6 has filed written statement denying all the averments of the plaint and contended that that at the time of admission of plaintiff in the defendant No.7 school, parents of the plaintiff have submitted Admission Form mentioning the name of plaintiff, his parents names and date of birth of plaintiff as 03-06-2009 and accordingly same was entered in the school records of the plaintiff. Further it is contended that once the details of the student are entered in the school records, defendants have no power to correct the same. Further it is contended that plaintiff has persuaded higher education by obtaining his school transfer certificate and he already knew that his date of

birth is mentioned as 03-06-2009 in his school records and in spite of the same, neither the plaintiff nor his parents approached competent authority for correction of date of birth of plaintiff and hence suit of the plaintiff is barred by limitation. Further it is averred that there is no cause of action arose to the present suit. On these grounds defendant No.1 to 7 and 9 prayed to dismiss the suit of the plaintiff with costs.

6. On the basis of the pleadings of the parties, the following issues were framed by this court.

::I S S U E S::

- 01) Whether the plaintiff proves that, his true and correct date of birth as 08-03-2010?
- 02) Whether the plaintiff further proves that defendants have wrongly entered his date of birth as 03-06-2009 in his school records?
- 03) Whether the plaintiff is entitled for the reliefs as sought for in the suit?
- 04) What order or decree?

7. In order to prove his case, plaintiff got examined his guardian as PW.1 and produced 29 documents as per Ex.P.1 to 29 and closed his side evidence. In order to disprove the case of the plaintiff, defendant No.1 to 7 and 9 have not chosen to lead any evidence on their behalf.

8. On hearing the plaintiff and defendant No.1 to 7 and 9 and on perusal of oral and documentary evidence placed on record, my answer to the above issues are as follows:

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....**

:: R E A S O N S ::

9.ISSUE No.1 and 2:- These issues are inter linked with each other and they require common discussion. Hence in order to avoid repetition of facts, they are taken up together for common discussion.

10. The plaintiff in order to prove his case, got examined his guardian as PW.1. The PW.1 filed affidavit in lieu of her examination-in-chief and reiterated the plaint averments. In

addition to oral evidence, plaintiff has produced 29 documents as per Ex.P.1 to Ex.P.29 in support of his case.

Ex.P.1 to 4 are the study certificates of plaintiff, wherein the date of birth of plaintiff is mentioned as 03-06-2009.

Ex.P.5 is the copy of SSLC Marks Card of plaintiff, wherein the date of birth of plaintiff is mentioned as 03-06-2009.

Ex.P.6 is the certified copy of Birth Certificate of plaintiff, wherein the date of birth of plaintiff is mentioned as 08-03-

2010 and **Ex.P.7** is the copy of legal notice, **Ex.P.8 to 26** are the postal receipts and acknowledgements, **Ex.P.27** is

the sealed postal cover, **Ex.P.28** is the letter issued to Deputy Director of Public Instructions, Bagalkot by Deputy

Commissioner, Bagalkot and **Ex.P.29** is the letter issued by Registrar of births and deaths, City Municipal Council,

Mudhol stating that plaintiff was born on 08.03.2010 in the KEM Hospital, Mudhol and same was registered in the

births and deaths register.

11. It is the specific case of the plaintiff that his correct date of birth is 08-03-2010, but same is through oversight

wrongly entered by the defendant school authorities in his school records as 03-06-2009. PW.1 in her evidence categorically deposed that plaintiff's true and correct date of birth is 08-03-2010, but defendant school authorities through oversight wrongly entered his date of birth as 03-06-2009. During the course of cross examination, learned AGP suggested to PW.1 that she has furnished information stating plaintiff's date of birth as 03.06.2009 at the time of admission of plaintiff to 1st standard and accordingly concerned school entered the same and PW.1 deposed that she has furnished information stating that date of birth of plaintiff as 08-03-2010 to the concerned school authority and said school authority through oversight wrongly entered date of birth of plaintiff as 03-06-2009 in his school records.

12. The plaintiff in support of his oral evidence also produced his birth certificate and certificate issued by City Municipal Council, Mudhol as per Ex.P.6 and 29. On careful perusal of Ex.P.6 and 29, it reveals that date of birth of plaintiff is mentioned as 08-03-2010. On careful of Ex.P.1 to

4 study certificates issued by defendant No.7 to 10 school authorities, it reveals that date of birth of plaintiff is mentioned as 03-06-2009. Hence from the Ex.P.6 and 29, it becomes very clear that correct date of birth of the plaintiff is 08-03-2010 and there has been error in Ex.P.1 to 5 study certificates and SSLC Marks Card pertaining to plaintiff. The plaintiff has contended and deposed that his date of birth is wrongly mentioned as 03-06-2009 in the school and college records of defendant No.7 to 11 and said contention is supported by Ex.P. 1 to 5. So it can be gathered that in the school and college records of defendant No.7 to 11 school authorities, the date of birth of plaintiff mentioned as 03-06-2009.

13. Therefore it is the very case of the plaintiff that there has been error with respect to his date of birth in the Ex.P.1 to 5 study certificates and SSLC Marks Card. The Ex.P.6 and 29 shows date of birth of plaintiff as 08-03-2010. Hence, it becomes very clear that the true and correct date of birth of plaintiff is 08-03-2010. This is the very relief

sought by the plaintiff to rectify his date of birth as per Ex.P. 6 and 29 in his school records. Moreover, Ex.P.6 birth certificate is issued by the Competent Authority after due verification.

14. The Hon'ble Supreme Court of India in a decision reported in (2009) 7 SCC 283 between CIDCO Versus Vasudha Gorakhnath Mandevlekar in Para No.18 observed as under:

18. The deaths and births register maintained by the statutory authorities raises a presumption of correctness. Such entries made in the statutory registers are admissible in evidence in terms of section 35 of the Evidence Act. It would prevail over an entry made in the school register, particularly, in absence of any proof that same was recorded at the instance of the guardian of the respondent.

Hence in the present suit plaintiff has averred in the plaint and deposed that his correct date of birth is 08-03-2010 and same is wrongly entered in his school and college records maintained by defendant No.7 to 11 school and college authorities as 03-06-2009. Further nothing worth is elicited in the course of cross examination of PW.1 to

disbelieve the case of the plaintiff. **Accordingly Issue No.1 and 2 are answered in the affirmative.**

15. ISSUE NO.3: From the discussion on foregoing paras, it is clear that plaintiff has placed acceptable evidence to show that his correct date of birth is 08-03-2010. It is also established that defendant No.7 through oversight wrongly entered the date of birth of plaintiff as 03-06-2009 and same is continued in the records of defendant No.8 to 11. Therefore the plaintiff is entitled for the relief of rectification of his date of birth as 08-03-2010 in his school and college records in order to avoid future inconvenience. Further, if the concerned authorities namely defendants are not directed through mandatory injunction to make necessary correction in the school and college records concerning to the plaintiff about his date of birth, the purpose of the suit fails and amounts to denial of fruits. In the light of the same, this Court has no hesitation to hold that the plaintiff is entitled for the reliefs of declaration and mandatory

injunction as prayed in the suit. **Accordingly, this Issue No.3 is answered in the affirmative.**

16. Issue No.4: For the reasons and discussions made above and findings on the above issues, this court is of the opinion that the plaintiff is entitled for the reliefs as sought for in the plaint. Accordingly I proceed to pass the following;

::O R D E R::

The suit of the plaintiff is hereby decreed.

It is hereby declared that true and correct date of birth of plaintiff as 08-03-2010.

The defendant school and college authorities are hereby directed to rectify the true and correct date of birth of plaintiff as 08-03-2010 by deleting 03-06-2009 in his school and college records.

Looking into the nature of the suit, it would be proper to direct both the parties to bear their own costs.

Draw decree accordingly.

(Dictated to the Stenographer, directly on the computer, typed by her, script corrected, signed by me & then pronounced in the open Court on this **6th Day of July-2026**).

(LAGAMA S. HUKKERI)
Pri. Civil Judge, Mudhol.

:: A N N E X U R E ::

I. LIST OF WITNESSES EXAMINED ON BEHALF OF PLAINTIFF:

PW.1 : Basawwa Basavaraj Choudhari.

II. LIST OF DOCUMENTS MARKED ON BEHALF OF PLAINTIFF:

Ex.P.1 to 4: Study Certificates of plaintiff.

Ex.P.5 : Certified copy of SSLC Marks Card of plaintiff.

Ex.P.6 : Certified copy of Birth Certificate of plaintiff.

Ex.P.7 : Copy of Legal Notice.

Ex.P.8 to 26: Postal Receipts and Acknowledgements.

Ex.P.27 : Sealed Postal Cover.

Ex.P.28 : Letter to the Deputy Director of Public
Instructions, Bagalkot.

Ex.P.29 : Certificate of CMC, Mudhol.

III. LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENDANTS:

-- Nil --

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DEFENDANTS:

-- Nil --

(LAGAMA S. HUKKERI)
Pri. Civil Judge, Mudhol.

