



**IN THE COURT OF III ADDL. CIVIL JUDGE AND JMFC
AT KADUR**

PRESENT : Sri. Thahakaleel K.A. B.A. LL.B,

III Addl., Civil Judge and JMFC., Kadur.

Dated: This 30th day of July 2026

OS No.32/2026

**Plaintiff : Sri. Pranav Naik S,
S/o Shivakumar Naika,**
Aged about 11 years, Minor, Student,
Represented by his next friend mother
Smt. Sakkubai D W/o Shivakumar
Naika, Aged about 40 years,
R/o Shankaranahalli Village,
Kanakatte Village and Post,
Arasikere Taluk, Hassan District.

(Rep. by Sri. M.O.J. Advocate)

V/s.

Defendants : 1. The Chief Officer,
Town Municipal Council,
Kadur Town, Kadur Taluk.

2. The Deputy Commissioner,
Chikmagalur District, Chikmagalur.

(D.2 Rep. by A.P.P., D.1 – Exparte)

1	Date of Institution of the suit	12.01.2026
2	Nate of the Suit	Declaration and Mandatory Injunction



3	Date of recording of Evidence	21.07.2026
4	Date of which judgment pronounced	30.07.2026
5	Total Duration	Years Month Day
		00 06 18

Sd/-
(Thahakaleel K.A)
III Addl., Civil Judge & JMFC.,
Kadur.

:: J U D G M E N T ::

The plaintiff, a minor represented by his natural guardian and mother, Smt. Sakkubai D., has instituted the present suit against Defendant Nos.1 and 2 seeking the relief of declaration that the correct name of the plaintiff's mother is "Smt. Sakkubai D." and not "Shakunthala", and for a consequential relief of mandatory injunction directing Defendant No.1 to rectify the birth register by substituting the name "Smt. Sakkubai D." in place of "Shakunthala" and to issue a fresh birth certificate incorporating the correct particulars.



2. The case of the plaintiff, in brief, is that he was born on 02.08.2014 at the Government Hospital, Kadur. His birth was registered in the Register of Births maintained by Defendant No.1 under Registration No.902 dated 19.02.2024. According to the plaintiff, his mother's correct name is Smt. Sakkubai D., wife of Sri. Shivakumara Naika. However, while recording the particulars in the birth register, Defendant No.1 erroneously entered the name of the plaintiff's mother as "Shakunthala Bai" instead of "Sakkubai D."

3. It is further contended that the plaintiff came to know about the said error during the 1st week of June 2024. Immediately thereafter, on 15.06.2024, the plaintiff submitted a representation before Defendant No.1 requesting correction of the mother's name in the birth register from "Shakunthala Bai" to "Sakkubai D." However, Defendant No.1, by an endorsement dated 18.06.2024, rejected the request stating that there was no provision



under the Registration of Births and Deaths Act, 1969, to effect such correction and advised the plaintiff to obtain appropriate orders from a competent Court.

4. The plaintiff further submits that Defendant No.2, being the superior authority of Defendant No.1, has been impleaded as a formal party, though no independent relief is claimed against him.

5. It is specifically averred that the correct name of the plaintiff's mother is Smt. Sakkubai D. and not Shakunthala Bai. Thereafter, the plaintiff caused a legal notice dated 03.10.2025 to be issued to the defendants calling upon them to rectify the mistake. Though the notice was duly served, the defendants failed to comply with the demand or effect the necessary correction.

6. According to the plaintiff, if the erroneous entry relating to the name of his mother is allowed to remain in the birth register, it would cause serious hardship and



adversely affect his educational records, identity documents, and other future legal and civil rights. Having no other efficacious remedy, the plaintiff has approached this Court seeking the reliefs of declaration and mandatory injunction.

7. In response to the suit summons, Defendant No.2 entered appearance through the learned Assistant Government Pleader. However, despite having entered appearance, Defendant No.2 failed to file a written statement contesting the suit within the time permitted by law.

8. Though suit summons was duly served upon Defendant No.1, he remained absent and failed to appear before the Court. Accordingly, Defendant No.1 was placed *exparte*.

9. Thereafter, as Defendant No.2 also failed to file a written statement despite sufficient opportunity, the suit proceeded on the basis of the pleadings and evidence adduced by the plaintiff.



10. In order to substantiate the case of the plaintiff, the plaintiff's mother and natural guardian, Smt. Sakkubai D., was examined as PW.1. She filed her affidavit in lieu of chief-examination, wherein she reiterated all the material averments made in the plaint. In support of the plaintiff's case, she has produced and got marked nine documents as Exhibits P1 to P9.

11. Exhibit P1 is the Birth Certificate of the plaintiff issued by Defendant No.1, wherein the name of the plaintiff's mother has been erroneously entered as "Shakuntala Bai" instead of "Smt. Sakkubai D."

12. Exhibit P2 is the copy of the legal notice issued to Defendant Nos.1 and 2 calling upon them to rectify the name of the plaintiff's mother in the birth register. Exhibits P3 and P4 are the postal receipts evidencing dispatch of the said legal notice. Exhibits P5 and P6 are the postal acknowledgements evidencing service of the legal notice



upon the defendants. Exhibit P7 is the notarized copy of the Aadhaar Card of the minor plaintiff. Exhibit P8 is the Study Certificate of the minor plaintiff issued by the concerned educational institution. Exhibit P9 is the notarized copy of the Aadhaar Card of the plaintiff's mother, wherein her name is correctly shown as "Smt. Sakkubai D."

13. The oral testimony of PW.1 and the documentary evidence placed on record have remained unchallenged, as the defendants have neither filed any written statement nor chosen to cross-examine PW.1.

14. Heard Arguments from both sides, perused materials available on records, now the following points would arise for the determination of this Court.

1. Whether the plaintiff proves that the correct name of his mother is "Smt. Sakkubai D." and not "Shakunthala Bai", as erroneously recorded in the Birth Register maintained by Defendant No.1?



2. Whether the plaintiff is entitled to the relief of declaration declaring that the correct name of his mother is "Smt. Sakkubai D." in place of "Shakunthala Bai" as entered in the Birth Register?
3. Whether the plaintiff is entitled to the relief of mandatory injunction directing Defendant No.1 to rectify the Birth Register by substituting the name of the plaintiff's mother as "Smt. Sakkubai D." in place of "Shakunthala Bai" and to issue a fresh Birth Certificate incorporating the corrected entry?
4. What Order or Decree?

15. The answer of this court for the above points are as follows:-

- | | | |
|------------|---|--|
| Point No.1 | : | In the Affirmative, |
| Point No.2 | : | In the Affirmative, |
| Point No.3 | : | In the Affirmative, |
| Point No.4 | : | As per the final Order for the following ; |



:: REASONS ::

16. POINT Nos.1 TO 3: Since all these points are interconnected and arise out of the same set of facts and evidence, they are taken up together for common discussion in order to avoid repetition of facts and appreciation of evidence.

17. The present suit is one for declaration and mandatory injunction seeking correction of the name of the plaintiff's mother in the Birth Register maintained by Defendant No.1. The plaintiff contends that though the correct name of his mother is "**Smt. Sakkubai D.**", the same has been erroneously entered as "**Shakunthala Bai**" in the Birth Register maintained by Defendant No.1.

18. To substantiate the said contention, the plaintiff has examined his natural guardian and mother, Smt. Sakkubai D., as PW.1. In her affidavit evidence, PW.1 has reiterated all the averments made in the plaint. Her



testimony has remained unshaken and uncontroverted, as neither of the defendants has filed any written statement disputing the claim of the plaintiff nor has PW.1 been subjected to cross-examination.

19. The documentary evidence adduced by the plaintiff also supports the oral testimony. Exhibit P1, the Birth Certificate issued by Defendant No.1, discloses that the name of the plaintiff's mother has been entered as "Shakunthala Bai." It is the specific case of the plaintiff that the said entry is erroneous.

20. Exhibit P9, the notarized copy of the Aadhaar Card of PW.1, clearly discloses that her name is "**Smt. Sakkubai D.**" The identity document issued by the competent authority corroborates the plaintiff's contention regarding the correct name of his mother. Further, Exhibit P8, the Study Certificate of the minor plaintiff, and Exhibit P7, the Aadhaar Card of the plaintiff, lend further support to the identity and particulars of the plaintiff.



21. The evidence further reveals that immediately after noticing the mistake, the plaintiff approached Defendant No.1 by submitting a representation seeking correction of the erroneous entry. Thereafter, the plaintiff also caused a legal notice as per Exhibit P2, calling upon the defendants to rectify the mistake. Exhibits P3 and P4 establish dispatch of the notice, while **Exhibits P5 and P6** establish its service upon the defendants. Despite receipt of the notice, the defendants neither rectified the error nor disputed the plaintiff's claim.

22. It is pertinent to note that Defendant No.1 remained ex parte and Defendant No.2, though represented through the learned Assistant Government Pleader, did not choose to file any written statement. Consequently, the oral and documentary evidence produced by the plaintiff has remained wholly unrebutted. It is a settled principle of law that where reliable and cogent evidence remains unchallenged, and there is no material placed before the



Court to disbelieve the same, such evidence can safely be acted upon.

23. The Hon'ble Supreme Court as well as the Hon'ble High Court of Karnataka have consistently held that the object of maintaining the Register of Births and Deaths is to preserve correct and authentic particulars relating to birth and death. When an entry is shown to be erroneous on the basis of satisfactory evidence, the Civil Court is competent to declare the correct particulars, and upon such declaration, the statutory authority is bound to carry out the necessary correction in the register maintained under the Registration of Births and Deaths Act, 1969. A declaratory decree passed by the Civil Court constitutes sufficient legal basis for correction of the register.

24. In the present case, the plaintiff has produced satisfactory oral and documentary evidence establishing that the correct name of his mother is "Smt. Sakkubai D."



There is absolutely no material on record to show that the name "Shakunthala Bai" pertains to the plaintiff's mother or that the entry made in the Birth Register is correct. The evidence placed on record clearly establishes that the wrong entry was made inadvertently and requires rectification.

25. This Court is of the considered opinion that continuation of the erroneous entry in the Birth Register would adversely affect the plaintiff in obtaining educational records, identity documents and other public records in future. Therefore, the plaintiff has established his entitlement to the relief of declaration as well as the consequential relief of mandatory injunction directing Defendant No.1 to correct the Birth Register and issue a fresh Birth Certificate incorporating the correct name of the plaintiff's mother. Accordingly, **Point Nos.1 to 3 are answered in the Affirmative.**

26. POINT NO.4: In view of the above, I proceed to pass following ;



:: ORDER ::

The suit filed by the plaintiff is hereby decreed with costs.

It is hereby declared that the correct name of the plaintiff's mother is "Smt. Sakkubai D." and not "Shakunthala Bai" as erroneously entered in the Birth Register maintained by Defendant No.1.

Defendant No.1 is hereby directed, by way of mandatory injunction, to rectify the Birth Register pertaining to the birth of the plaintiff by substituting the name of the plaintiff's mother as "Smt. Sakkubai D." in place of "Shakunthala Bai", in accordance with law.

Defendant No.1 shall thereafter issue a fresh Birth Certificate to the plaintiff incorporating the corrected name of his mother as "Smt. Sakkubai D.", after making the necessary correction in the Birth



Register, within 60 (sixty) days from the date of receipt of a certified copy of this Judgment and Decree.

Draw decree accordingly.

(Judgement transcribed through AI-Adalath software, corrected by me and then pronounced in open court on 30th day of July 2026)

Sd/-
(THAHAKALEEL K.A.)
III Addl. Civil Judge & JMFC
Kadur.

ANNEXURE

1. List of Witnesses Examined on behalf of the Plaintiff:-

PW.1 : Smt. Sakkubai D

2. List of Witnesses Examined on behalf of the Defendants:- NIL

3. List of Documents Marked on behalf of the Plaintiff:-

Exhibit No.	Particulars
Ex.P1 :	Birth Certificate
Ex.P2 :	Legal Notice
Ex.P3 :	Postal Receipt



Exhibit No.	Particulars
Ex.P4 :	Postal Receipt
Ex.P5 :	Postal Acknowledgment
Ex.P6 :	Postal Acknowledgment
Ex.P7 :	Notarized copy of Aadhaar Card pertaining to son of PW.1
Ex.P8 :	School Document
Ex.P9 :	Notarized copy of Aadhar Card pertaining to PW.1

4. List of Documents Marked on behalf of the Defendants:-

-Nil-

**Sd/-
(THAHAKALEEL K.A.)
III Addl. Civil Judge & JMFC
Kadur.**

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