

**IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C, TARIKERE**

**PRESENT: Sri. Rahul Shettigar, B.Com (Hons.), LL.B
Prl. Civil Judge & J.M.F.C, Tarikere**

DATED THIS THE 12th DAY OF AUGUST, 2026

ORIGINAL SUIT No. 07/2026

BETWEEN:

Abdul Mujeebur Rahaman,
Age 56 years,
R/o. Puttanayka Street,
Huralihatti, Tarikere Town,
Chikkamagalur District.

PLAINTIFF

**(By Sri. G.N. Chandrashkear, Advocate)
AND**

DEFENDANTS

1. The Chief Secretary,
Government of Karnataka,
Vidhana Soudha,
Bengaluru-02.

2. The Block Education Officer,
Education Department,
Tarikere.

3. The Deputy Director of Public
Instructions, Education Department,
Chikkamagaluru District,
Chikkamagaluru.

4. The Secretary,
Karnataka State Secondary Education
Examination Board, 6th Cross,
Malleshwaram, Bengaluru.



5. The Head Master,
N.E.P.S English Medium School,
Tarikere.

6. The Head Master,
Govt. High School,
Sokke.

7. The Principle,
P.E.S Polytechnic,
Sagara Road,
Shivamogga.

(D-1 to 4, & 6 - By Learned A.G.P, Tarikere)
(D-5 and 7 – Ex-parte)

PARTICULARS OF THE SUIT

1.	Date of Institution	:	02.01.2026		
2.	Nature of the suit	:	Suit seeking Declaration and Mandatory Injunction		
3.	Date of commencement of evidence	:	30.06.2026		
4.	Date of pronouncement of judgment	:	12.08.2026		
5.	Total duration	:	<u>Year/s</u>	<u>Month/s</u>	<u>Day/s</u>
			0	7	11

sd/-
(Rahul Shettigar)
Prl. Civil Judge & J.M.F.C,
Tarikere.

JUDGMENT

1. Plaintiff has instituted the suit seeking relief of declaration and mandatory injunction with the prayer to issue directions to the Defendants to rectify the mistake that has crept in his son's



school records and marks cards concerning his name and for such other ancillary reliefs.

2. The case of the Plaintiff as discernable from plaintiff averments, is as under:

In the plaint, it is contended that the Plaintiff's son, Mohammed Ilyaz, was born in the year 1990 and was admitted to the school of Defendant No. 5, where he studied up to the 7th Standard. Thereafter, he pursued his high school education at the school of Defendant No. 6 and completed his diploma at the college of Defendant No. 7. He is presently employed in Bengaluru. It is further contended that, although the Plaintiff had furnished his correct name at the time of admitting his son to the school, the same was erroneously entered in the school records. The said error has consequently been carried forward into all subsequent educational records and documents. Upon becoming aware of the said mistake, the Plaintiff issued notices to the Defendants seeking correction of the records. However, as the Defendants failed to carry out the necessary corrections and as the Plaintiff had no other efficacious remedy, he has approached this Court by filing the present suit. Hence, the suit.



3. Subsequent to the institution of the suit, summons were issued to the Defendants. Defendant Nos. 1 to 4 and 6 entered appearance through the learned Assistant Government Pleader, Tarikere. Among the Defendants, Defendant No. 2 filed a written statement, and Defendant Nos. 1, 3, 4, and 6 adopted the written statement filed by Defendant No. 2. Although summons were duly served on Defendant Nos. 5 and 7, they remained absent. Consequently, they were placed ex parte, and the suit proceeded against them accordingly.
4. In the written statement filed by Defendant Nos. 1 to 4 and 6, while denying the averments made in the plaint, it is specifically contended that the allegation that the Plaintiff's name has been wrongly entered in his son's school records is false. Accordingly, they have prayed for dismissal of the suit.
5. On basis of the pleadings of both parties, this Court has framed the following issues -

Issue No.1 : Whether the Plaintiff proves that his correct name is Abdul Mujeebur Rahaman and not Abdul Mujeeb-UR-Rehman?

Issue No.2 : Whether the Plaintiff is entitled to the relief of declaration as sought for?

Issue No.4 : What order or decree?



6. In order to prove his case, the Plaintiff got examined as PW-1, and one witness on his side has been examined as PW-2. The documents as per Ex.P-1 to Ex.P-18 came to be marked on behalf of the Plaintiff. On the other hand, the Defendants have chosen to not lead any evidence.
7. Heard the Learned Counsel on both sides at length and considered the materials made available to me.
8. Having heard and on anxious consideration of the materials placed on record, my findings on the aforesaid issues are as hereunder -

Issue No.1 : In the Affirmative

Issue No.2 : In the Affirmative

Issue No.3 : As per the final order for the following –

REASONS

9. **Issue No.1**– The Plaintiff has knocked on the doors of justice seeking the relief of declaration and mandatory injunction with the prayer to issue directions to the Defendants to rectify the mistake that has crept in his son's school records and marks cards concerning his name and for such other ancillary reliefs.



10. It is needless to state that the Plaintiff being initiator of the legal proceedings by way of this suit and possessing the role of *dominus litus* to his suit, assumes the burden to prove it in accordance with the stipulations outlined in Sections 101 to 103 of the Evidence Act. Moreover, the legal maxim in "*Actori Incumbit Onus Probandi*" further reinforces his obligation to discharge this burden.
11. In order to prove his case, Plaintiff has stepped into the witness box and has been examined as PW-1. One other witness being his son, has been examined on the side of the Plaintiff as PW-2. PW-1 in the affidavit which has been filed in lieu of his oral examination-in-chief has nothing but reiterated the averments of the plaint. Since plaint averments have already been extracted in detail above, let me switch over to the documents produced on the side of the Plaintiff.
12. The documents produced in support of the case of the Plaintiff are Ex.P-1 which is the C.C of school admission register; Ex.P-2 is the progress report; Ex.P-3 is the SSLC marks card; Ex.P-4 is the receipt; Ex.P-5 and 6 are the two transfer certificates; Ex.P-7 to is the notice; Ex.P-8 is the multiple article receipt; Ex.P-9 to 13 are the postal acknowledgments; Ex.P-14 and 15



are the Aadhaar cards; Ex.P-16 is the letter to Head Master, NPES English Medium School, Tarikere Town; Ex.P-17 is the election ID card and Ex.P-18 is the bank pass book.

- 13.** In rebuttal, the Defendants have chosen to not lead any evidence on their side.
- 14.** The issues under consideration cast the burden upon the Plaintiff to establish that his correct name is **Abdul Mujeebur Rahaman**. The crux of the Plaintiff's case is that the Defendants have erroneously recorded his name in the educational records pertaining to his son, who has been examined as PW-2, resulting in the incorrect name being reflected in the school records and marks cards of his son. The Defendants, on the other hand, contend that the particulars were entered on the basis of the information furnished by the Plaintiff himself and that there was no negligence on their part. Upon a careful examination of the pleadings and the evidence on record, it is evident that the adjudication of the suit primarily hinges upon determining the correct name of the Plaintiff.



- 15.** The Plaintiff has produced several public documents, namely Ex.P-18 (Bank Passbook), Ex.P-17 (Elector's Photo Identity Card), and Ex.P-14 and Ex.P-15 (Aadhaar Cards), all of which consistently disclose his name as **Abdul Mujeebur Rahaman**. These documents, being public documents, sufficiently corroborate the Plaintiff's claim regarding his correct name. This documentary evidence is further reinforced by the testimony of the Plaintiff's son, who has been examined as PW-2.
- 16.** With regard to the question of limitation, the Plaintiff has asserted that he approached the Court immediately upon discovering the mistake in the records. The present suit was instituted after due compliance with the mandatory requirement of issuing notices to the Defendants and upon their failure to carry out the necessary corrections. There is nothing on record to disbelieve the Plaintiff's assertion. Accordingly, this Court is of the considered view that the suit has been filed well within the prescribed period of limitation.
- 17.** Apart from the above, if the erroneous entry in the Plaintiff's name is allowed to continue in the records relating to his son,



it is likely to cause considerable hardship to him and may adversely affect his future prospects. On the other hand, merely directing correction of the Plaintiff's name in the educational records would not, by itself, confer any undue benefit upon him or his son unless they are otherwise legally entitled to such benefits. Therefore, this Court finds no valid reason to deny the relief sought by the Plaintiff. Accordingly, Issue Nos. 1 and 2 are answered in the **Affirmative**. With these observations, **Issue No.1 and 2** are answered in the **Affirmative**.

18. Issue No.4 - For the reasons discussed above, I proceed to pass the following -

ORDER

- (i) *The suit of the Plaintiff is hereby decreed.*
- (ii) *It is hereby declared that the correct name of the Plaintiff is **Abdul Mujeebur Rahaman**, for the limited purpose of effecting necessary corrections in the school records and marks cards pertaining to the Plaintiff's son, namely **Mohammed Ilyaz**.*
- (iii) *The Defendants are hereby directed to substitute the Plaintiff's name from Mujeeb - UR-Rehman to **Abdul Mujeebur Rahaman** in all the relevant school records and marks cards relating to the Plaintiff's son, **Mohammed Ilyaz**, in accordance with law.*



(iv) *The parties to the suit shall bear their own costs.*

(v) *Draw decree accordingly.*

(Dictated to Stenographer, after transcription, print out corrected and then pronounced by me in Open Court on this the 12th day of AUGUST, 2026)

sd/-

(Rahul Shettigar)
Prl. Civil Judge & J.M.F.C,
Tarikere.

ANNEXURE

1. List of witnesses examined on behalf of the Plaintiff

PW:1 : Sri. Abdul Mujeebur rAHAMAN

2. List of documents marked on behalf of the Plaintiff

Ex.P:1 : C.C of school admission register
Ex.P:2 : Progress report

Ex.P:3 : SSLC marks card
Ex.P:4 : Receipt
Ex.P:5 & 6 : Two transfer certificates
Ex.P:7 : Notice
Ex.P:8 : Multiple article receipt
Ex.P:9 to : Postal acknowledgments
13
Ex.P:14 & : Aadhaar cards
15
Ex.P:16 : Letter to Head Master NPES English
Medium School, Tarikere
Ex.P:17 : Election ID card
Ex.P:18 : Bank passbook



3. List of witnesses examined on behalf of the Defendants

-Nil-

4. List of document marked on behalf of the Defendants

-Nil-

sd/-

(Rahul Shettigar)
Prl. Civil Judge & J.M.F.C,
Tarikere.