

KADK500004602026



Presented on : 11-03-2026
Registered on : 16-03-2026
Decided on : 01-07-2026
Duration : 00 years 3 months 20 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE
& JMFC, BELTHANGADY, D.K. DISTRICT**

:PRESENT:

**SRI. MANU B.K., B.A.L., LL.M.,
Senior Civil Judge & JMFC,
Belthangady, D.K. District**

Dated, this the 1st day of July 2026

R.A./03/2026

APPELLANT : B.Akhila Hegde
Aged 36 years,
D/o. Shreedhara Hegde
Bajilatta house,
Bajire village,
Belthangady Taluk,
D.K.District.

(By Sri. S.H.L Advocate)

RESPONDENTS: 1. The Government of
Karnataka
Represented by District
Commissioner, D.K.District.

2. The Tahsildar,
(Birth & Death Registrar)
Belthangady Taluk,
D.K.District.
(By A.G.P,)

IN THE SUIT IN BETWEEN:-

-Vs-

DATE OF PRESENTATION
OF THE REGULAR APPEAL : 11-03-2026

NATURE OF THE APPEAL :Against the Judgment and Decree passed by the learned Prl.Civil Judge & JMFC., Belthangady, D.K. in O.S./145/2025 dated: 03-09-2025.

JUDGMENT PRONOUNCED ON : 01-07-2026

DURATION OF THE

REGULAR APPEAL:	Year/s	Month/s	Day/s
	00	03	20

(MANU B.K.)

Senior Civil Judge & JMFC.,
Belthangady, D.K.

JUDGMENT

The appellant/plaintiff is before this court calling in question the judgment and decree passed by the learned Principal Civil Judge & JMFC, Belthangady in O.S.No.145/2025 vide order dated 03-09-2025.

2. The appellant herein was the plaintiff and respondents were the defendants before the trial court.

3. For the sake of convenience, hereinafter the parties are referred to as their ranks shown in the suit before the trial court.

4. The facts adumbrated are as follows:-

The plaintiff was born on 28-01-1990 at Bajire village of Belthangady Taluk. The factum of date of birth and name of the plaintiff was intimated to the defendant no.2. Accordingly, the plaintiff has applied for certified copy of birth certificate and obtained

the same. But alas, the plaintiff came to know that the date of birth of plaintiff was mentioned as 15-05-1990 instead of 28-01-1990 and name of the plaintiff was mentioned as 'Harini' instead of 'B.Akhila Hegde' in her birth certificate. The correct date of birth of plaintiff is 28-01-1990 and her correct name is 'B.Akhila Hegde'. Therefore, the plaintiff has requested the defendant no.2 for rectification of entries in the birth certificate. However, her request was not honoured by the 2nd defendant. As such, the plaintiff has issued notice to the defendants seeking to rectify the wrong entries made in the concerned register.

Now the plaintiff has completed her studies and she intended to fly to abroad for better job. However, while applying for passport, the authorities have insisted her to submit birth certificate wherein the entries of birth certificate are not in pari-materia with the education testimonials of plaintiff. As such, the plaintiff has instituted the subject suit before the trial court seeking for declaration and mandatory injunction. Accordingly, the plaintiff sought to decree the suit.

5. As against the suit filed by the plaintiff, the 2nd defendant has filed detailed written statement by denying the averments of

plaint. The 2nd defendant has contended that the notice has not been issued as per Section 80 of CPC. Therefore, the suit of the plaintiff is not maintainable. The said written statement filed by the defendant no.2 has been adopted by defendant no.1.

6. On the basis of pleadings of combating parties, the trial court has framed the following Issues:-

1. Whether the plaintiff proves that unfortunately her date of birth was entered as “15-05-1990 instead of “28-01-1990” and her name was wrongly entered as “Harini” instead of “B.Akhila Hegde” in her birth certificate?

2. Whether the plaintiff further proves that, her correct date of birth

is “28-01-1990” and her correct name is “B.Akila Hegde”?

3. Whether the defendants prove that suit is barred by limitations?

4. Whether the plaintiff is entitled for the relief as sought for?

5. What decree or order?

7. In order to demonstrate the case of the plaintiff, she has been examined herself as PW1 and produced 9 documents, which are marked and exhibited as Ex.P1 to Ex.P9.

8. In order to turn down the case of the plaintiff, the defendants have not adduced any evidence nor produced any documents.

9. The trial court has heard the arguments addressed by erudite counsel for the combating parties, perused the pleadings and

material available on record. By considering those material evidence, the trial court has partly decreed the suit filed by the plaintiff vide judgment and decree dated 03-09-2025.

10. Being highly aggrieved by the Judgment and decree rendered by the learned trial court, the plaintiff is before this court calling in question the partly decree of suit filed by her before the trial court. In the appeal filed by the appellant, she has contended that the trial court has passed the judgment without application of judicial mind and it suffers from serious legal infirmities. The trial court has failed in appreciating the

evidence adduced by the plaintiff with regard to her date of birth and name. As such, the appellant sought for decree of suit and also sought to allow the appeal.

11. On receipt of appeal filed by the appellant, this court has issued notice to the respondents. On receipt of appeal, the respondents have tendered their appearance through AGP and contested the matter. Subsequently, the trial court records have been secured, heard the arguments of erudite counsel for the appellant and respondents.

12. Upon consideration of ocular and documentary evidence as well as judgment of

the trial court, the following points are arise for determination of this court.

1. Whether the appellant proves that the trial court has erred in partly decreeing the suit filed by the plaintiff?

2. Whether the interference of this court is called for in the judgment and decree rendered by the trial court?

3. What order?

13. My findings to the above points are as under:

Point No.1 :In the AFFIRMATIVE

Point No.2 :In the AFFIRMATIVE

Point No.3 : As per final order
for the following:-

REASONS

14. POINT NO.1 & 2:- Both of these points are inter-connected, as such they are taken up

together for common discussion to avoid repetition of facts.

15. Before embarking upon the factual matrix of this case, it is now germane to ascertain the essential parameters of a suit for declaration and mandatory injunction. In a suit for declaration, the party who knocks the hallow portals of the court has to establish the perfect title and also required to manifest the factum of wrong committed by the opposite party. In this case, the plaintiff is required to manifest that her correct name is “B.Akhila Hegde” and her correct date of birth as “28-01-1990”. By considering those aspects as

basic substratum, now let me make threadbare discussion on each and every contention of the combating parties by revisiting to the pleadings.

16. The plaintiff has contended that she was born on 28-01-1990 and she was named as 'B.Akhila Hegde'. In order to manifest the aforementioned contention of the plaintiff, she has filed an affidavit in lieu of her examination in chief and examined as PW1. In the course of her evidence, she has reemphasized the factum mentioned in the plaint. In the cross examination of PW1, she has testified that her father has given correct

information to defendant no.2, but the defendant no.2 has failed to mention the correct entries with respect to her date of birth and name in her birth certificate. Further, the PW1 has produced school admission certificates as Ex.P3 and Ex.P4. On careful marshaling of those two documents, it clearly coalesce the case of the plaintiff and manifest that she was born on 28-01-1990. These two documents were not disputed in the test of cross examination of PW1. Therefore, on condign understanding of ocular evidence of PW1 coupled with Ex.P3 and Ex.P4, what would unmistakably emerge is that the correct

name of plaintiff is 'B.Akhila Hegde' and she was born on '28-01-1990'. Ergo, the first contention of the plaintiff stands manifested with abundant clarity.

17. The plaintiff further contended that the factum regarding her date of birth and name as well as other particulars were informed to the 2nd defendant and accordingly, the 2nd defendant has entered particulars in the birth certificate. However, in the birth certificate, the factum regarding date of birth and name of the plaintiff is wrongly entered. In order to manifest the aforementioned contention of the plaintiff, she has reemphasized the said fact in

her evidence. But if the cross examination of PW1 is read in tendum with plaint, what would unmistakably emerge is that the defendants have not disputed the factum of making wrong entry of name as well as date of birth of the plaintiff in the birth certificate. Ideo, the ocular evidence of PW1 with respect to allegation made against the defendant no.2 vis-a-vis wrong entry of her name and date of birth in the birth certificate are remained unquestionably enlivened. Further, the PW1 has produced birth certificate of plaintiff as Ex.P1, wherein it appears that the name of the plaintiff mentioned as 'Harini' and date of

birth is mentioned as '15-05-1990'. Whereas on careful marshaling of Ex.P3 and Ex.P4, it clearly unravels that the correct name of plaintiff is B.Akhila Hegde and her date of birth is '28-01-1990'. As such, it can hold that the defendant no.2 has wrongly mentioned the name of the plaintiff and her date of birth in the birth certificate. Hence, on harmonious synthesis of those documents, this court is of the view that the plaintiff has manifested her case with respect to second contention.

18. Further, the plaintiff contended that, after noticing the error crept in her birth

certificate, she has requested the 2nd defendant for rectification and also issued notice, which was remained unanswered. Whereas, on the other hand, the defendants have contended that the suit of the plaintiff is not maintainable as notice under Section 80 of CPC is not issued. But in the cross examination of PW1, the evidence of PW1 with respect to aforementioned allegation is remained unquestionably enlivened. Apart from that, the PW1 has produced endorsement issued by 2nd defendant as Ex.P2, notice as Ex.P5, postal receipts as Ex.P6 and Ex.P7 and postal acknowledgments as Ex.P8 and Ex.P9. If

the aforementioned documents are read in tendum, it gives a facial insinuation that the plaintiff has issued notice to the defendants as per Ex.P5 seeking for rectification in her birth certificate. Albeit, the said notice has been served on the defendants as per Ex.P8 and Ex.P9, they have not taken any steps . On the other hand, they have contended about non-compliance of Section 80 of CPC. But the Ex.P5 would unequivocally obliterate the contention of the defendants with respect to Section 80 of CPC. Further, the PW1 has produced endorsement issued by 2nd defendant as Ex.P2, which clearly indicate that the

requisition of the plaintiff has been refused by the defendants. Therefore, all the contentions urged by the plaintiff are proved with imbued clarity.

19. On perusal of judgment and decree rendered by the learned trial court, the learned trial court has partly decreed the suit. However, the learned trial court has held that as per Section 15 of Birth and death Registration Act, the jurisdiction of the Civil court is barred. On perusal of Section 15 of Birth and Death registration Act and the judgment rendered by the learned trial court, it appears that the trial court has taken dual

view. At one breadth the trial court has held that, by virtue of Section 15 of Birth and Death Registration Act, the jurisdiction of the civil court is barred, but at another breadth, it has partly decreed the suit by directing the defendant no.2 to rectify the name of the plaintiff. But on condign understanding of Section 15 of Birth and death Registration Act, it appears that, any error crept in the birth certificate can be rectified by registrar. But alas, in this case, albeit, the plaintiff has requested the 2nd defendant for rectification of error crept in the birth certificate, the 2nd defendant has issued an endorsement as per

Ex.P2 without exercising his power under Section 15 of Birth and Death Registration Act. In this case, the petitioner has produced cogent ocular as well as documentary evidence to manifest that her correct name is 'B.Akhila Hegde' and correct date of birth as '28-01-1990'. As such, this court is of the view that the trial court has failed to appreciate the matter in right prospective. Thus, the interference of this court is called for. On the other hand, the plaintiff is entitled to the reliefs claimed in the suit. As such, this court answering points no.1 and 2 in the **AFFIRMATIVE.**

20. POINT No.3:- In view of my findings on the point No.1 and 2, this court proceed to pass the following:

ORDER

Appeal filed by appellant/ plaintiff under Section 96 of CPC is hereby allowed.

The impugned Judgment and Decree passed by the learned Principal Civil Judge & JMFC., Belthangady, in O.S.No.145/2025 vide Order dated 03-09-2025 by partly decreeing the suit of the plaintiff is hereby set aside.

Consequently, the suit filed by the plaintiff is hereby decreed with costs.

It is declared that the correct name of the plaintiff is “B.Akhila Hegde” and her correct date of birth is “28-01-1990”. As such, the defendants are hereby directed to rectify the error crept in the birth certificate of the

plaintiff accordingly by following due process of law.

Draw decree accordingly.

Send back the trial court record immediately along with the copy of the Judgment.

(Dictated to the stenographer, transcribed and typed by her, transcript then corrected by me and pronounced in the open court on this the 1st day of July 2026.)

(MANU B.K.)

Senior Civil Judge & J.M.F.C.
Belthangady, D.K.