

KADK510024732025



Presented on : 01-09-2025
Registered on : 02-09-2025
Decided on : 15-07-2026
Duration : 0 years, 10 months, 14 days

**IN THE COURT OF PRINCIPAL CIVIL JUDGE &
J.M.F.C AT BELTHANGADY.
DAKSHINA KANNADA**

PRESENT

SRI.RAMALINGAPPA, B.A. LL.B.,
Principal Civil Judge & JMFC,
Belthangady, D.K. District

Dated this the 15th day of July 2026

O.S.No.243/2025

PLAINTIFF:-

KISHAN D.P,
Aged about 15 years,
S/o. Dayanand Umana Poojar,

Represented by his Natural
Guardian/ mother

Smt. Geetha.
Aged about 41 years,
W/o Dayanand Umana Poojari,

Both are R/at # 2-81 Nishan
Nilaya, Near Gutthu House,
Badagakaranduru Village,

Aladangady,
Belthangady Taluk.

(By Sri. S.P., Advocate)

V/s

DEFENDANTS:-

1. **The Government of Karnataka**
Rep.by The Deputy Commissioner
D.K Mangalore.
2. **The Birth/Death Registrar,**
Tahasildar, Belthangady,
Belthangady Taluk.

(By AGP for D1 and D2)

Date of Institution of the suit	02.09.2025
Nature of the Suit (suit on pronote, suit for declaration and possession, suit for injunction, etc)	Suit for Declaration and Mandatory injunction
Date of commencement of the recording of the evidence	04.07.2026
Date on which the judgment was pronounced	15.07.2026
Total Duration	Years/ Month/s Day/s 00 10 13

(Ramalingappa)
Principal Civil Judge & JMFC.,
Belthangady.

JUDGMENT

The plaintiff has filed the suit against the defendants for the relief of declaration that his name is Kishan D.P and his father name is 'Dayanand Umana Poojari' and his permanent address "Nishan Nilaya, Near Gutthu' and for mandatory injunction, directing concerned defendants to make necessary rectifications in the birth certificate of the plaintiff .

2. Brief facts of the plaintiff's case

The case of the plaintiff, is that one Dayanand Umana Poojari and Geetha are husband and wife and the plaintiff, Kishan D.P., is their son. The plaintiff was born on 24.03.2009 at Father L.M Pinto Hospital Badyar, Padangady village, Belthangady Taluk.

3. The mother of the plaintiff filed an application before the 2nd defendant for birth certificate of plaintiff. The 2nd defendant issued the birth certificate of plaintiff wrongly mentioning name of the plaintiff as "**Kishan**" as instead of "**Kishan D.P**", and plaintiff's father name as

“Dayanand” instead of **“Dayanand Umana Poojari”** and Permanent address of plaintiff as **“Near Gutthu”** instead of **“Nishan Nilaya, Near Gutthu”**. The plaintiff’s mother requested the 2nd defendant to rectify the said mistake and to issue the birth certificate with correct names. But the 2nd defendant not responded positively.

4. The plaintiff issued a legal notice dated 19.11.2024 through his counsel to the defendants by R.P.A.D which have been served accordingly to the defendants. The plaintiff does not want to retain his name as “Kishan”, his father name as “Dayanand” and Permanent Address of the plaintiff as “Near Gutthu”. He wants it to be rectified and corrected the plaintiff name “Kishan D.P” and his father name as “Dayanand Umana Poojari” and Permanent Address of the plaintiff as “Nishan Nilaya, Near Gutthu” in the register of the Birth and Death maintained by defendant no.2. The intention of plaintiff’s to correct his name and his father name and his permanent address is not with any malafide

intention/reason, but which is purely bonafide and personal. Hence, the plaintiff was constrained to institute the present suit.

5. After service of suit summons, the learned Assistant Government Pleader appeared for defendant Nos.1 and 2. Defendant No.2 filed the written statement. Defendant Nos.1 filed a memo adopting the written statement of defendant No.2. The defendants have denied that the name of the plaintiff and his father and his permanent address requires correction. They further contended that as per the information of the plaintiff or plaintiff family the concerned authority have entered the plaintiff name and his father name and his address in the records. The defendants have also contended that the suit is barred by limitation, that there is no cause of action and that the plaintiff did not issue a valid notice under Section 80 of the Code of Civil Procedure.

6. On these grounds, the defendants have sought dismissal of the suit with costs.

7. On the basis of the pleadings, the following issues were framed:

1. Whether the plaintiff proves that, his name was wrongly mentioning as **“Kishan”** instead of **“Kishan D.P”** and his father name wrongly mentioning as **“Dayanand”** instead of **Dayanand Umana Poojary”** and his postal address of plaintiff wrongly mentioning as **“Near Gutthu”** instead of **“Nishan Nilaya, Near Gutthu”** in his birth certificate?.
2. Whether the plaintiff further proves that, his correct name as **“Kishan D.P”** and his father correct name as is **“Dayanand Umana Poojary”** and his correct postal Address as **“Nishan Nilaya, Near Gutthu”**?
3. Whether the defendants prove that, the suit is barred by limitation?
4. Whether the plaintiff is entitled for the relief as sought for?
5. What decree or order?.

8. In order to prove plaintiff case, the GPA holder of the plaintiff brother examined himself as PW.1. He

filed his examination-in-chief by way of affidavit reiterating the averments made in the plaint.

9. The plaintiff has produced and got marked the following documents:

Ex.P.1 - GPA

Ex.P.2 – Birth Certificate of the plaintiff;

Ex.P.3 – Office copy of Legal notice issued to the defendants.

Ex.P.4 – Postal receipt,

Ex.P.5 &6 – Postal acknowledgements,

Ex.P.7 – Notarized copy of Adhar card of the plaintiff;

Ex.P.8 – Notarized copy of Adhar card of plaintiff father,

Ex.P.9 – Notarized copy of Ration card of plaintiff family,

10. PW.1 was cross-examined by the learned Assistant Government Pleader. The defendants have not adduced any oral evidence and have not produced any documentary evidence.

11. My findings on the above issues are as follows:

Issue No.1 : In the “Affirmative”.

Issue No.2 : In the “Affirmative”.

Issue No.3 : In the “Negative”.

Issue No.4 : In the “Affirmative”.

Issue No.5 : As per final order,
for the following:

:REASONS:

12. **Issue Nos.1 and 2:-** Since Issue Nos.1 and 2 are interconnected and arise out of the same set of facts and evidence, they are considered together to avoid repetition.

13. The burden is upon the plaintiff to establish that his name is “**Kishan D.P**” and his father correct name as is “**Dayanand Umana Poojary**” and his correct permanent address as “**Nishan Nilaya, Near Gutthu**” and that a different name was wrongly entered in his birth certificate.

14. PW.1 has categorically deposed that, plaintiff correct name “**Kishan D.P**” and plaintiff’s father correct name as is “**Dayanand Umana Poojary**” and plaintiff correct Permanent Address as “**Nishan Nilaya, Near Gutthu**”. He has further stated that the 2nd defendant issued the birth certificate of plaintiff wrongly

mentioning name of the plaintiff as **“Kishan”** as instead of **“Kishan D.P”**, and plaintiff's father name as **“Dayanand”** instead of **“Dayanand Umana Poojari”** and Permanent address of plaintiff as **“Near Gutthu”** instead of **“Nishan Nilaya, Near Gutthu”**.

15. Ex.P2 birth certificate of plaintiff discloses the name of the plaintiff as 'Kishan.', his father's name as 'Dayanand' and permanent address “Near Gutthu”. Ex.P7 Aadhaar card of plaintiff also discloses the plaintiff name “Kishan” and permanent address “Nishan Nilaya, Near Gutthu”. Ex.P8 is the notarized copy of Aadhar card of plaintiff's father, wherein his father's name is shown as 'Dayanand Umana Poojari' and his Address as “ Nishan Nilaya,”. Ex.P9 is the Ration card of plaintiff family, which discloses that plaintiff is the son of Dayanad Umana Poojari and Geetha.

16. Even though plaintiff has not produced any documents to show that his name is 'Kishan D.P', it is opined that since plaintiff is of 15 years old, normally in

that age no correspondences will be made. Thus, this court does not have any impediment to consider the prayer of the plaintiff.

17. On the other hand, the defendant did not adduce any oral evidence or produce any documentary evidence to prove contrary to the evidence of the plaintiff. Therefore, I am of opinion that, the plaintiff has proved that his name is 'Kishan D.P'.

18. The birth certificate is primary and an important document in every person's life, which is useful through the life of the person. Due to a typographical error, the academic career or future of the plaintiff should not be ruined. If the mistake occurred in the birth certificate is not rectified, it will be continued in the future records of the plaintiff, which would cause his hardship. Therefore, I am of the opinion that the plaintiff is entitled for declaration and mandatory injunction as sought for. Accordingly, **issue No.1 & 2 are answered in the Affirmative.**

19. **Issue No.3:-** It is the contention of the defendants that, there is inordinate delay in filing the suit for declaration by the plaintiff and hence, the suit is barred by limitation. It is to be noted that, the plaintiff has sought for the relief of declaration. As per Article 58 of Limitation Act, for the relief of declaration, the plaintiff has to file the suit within 3 years from the date of right to sue first accrues. That means to say, when the cause of action for filing the suit arose. In the instant case, the right to sue first accrued to the plaintiff when the defendant has denied his legal right. On perusal of Ex.P3 notice the plaintiff has called upon the defendant to rectify the mistake and make necessary entry in the birth register. The said notice was duly served on them. Despite receipt of notice, the defendant has neither replied nor complied the notice and thereby, he has denied the plaintiff's legitimate right. The notice was issued on 19.11.2024 and the same was served upon them on 21.11.2024. When such is the case, the

cause of action accrues from the date of issuance of Ex.P3 notice i.e. on 19.11.2024. The instant suit was filed on 01.09.2025. Hence, the suit is well within the period of limitation. Accordingly, I answer issue no.3 in the '**Negative**'.

20. **Issue No.4:-** The plaintiff has proved that the correct name of his name as “**Kishan D.P**”, and his father name as “**Dayanand Umana Poojari**” and his Permanent address of plaintiff as “**Nishan Nilaya, Near Gutthu**” in his birth certificate. The plaintiff has also established that he approached the 2nd defendant authorities before filing the suit.

21. Ex.P.3 is the notice issued to the defendants before institution of the suit. Ex.P.4 consists of postal receipts and Exs.P.5 and P.6 are postal acknowledgments. These documents establish that notice was dispatched and served upon the concerned authorities.

22. The written statement contains a general denial that notice under Section 80 of the Code of Civil Procedure was issued. However, no evidence has been adduced to rebut Exs.P.4 to P.5. The defendants have participated in the proceedings, filed their written statement and contested the matter on merits.

23. The plaintiff cannot be compelled to continue throughout his life with an birth certificate containing an incorrect name of his name and his father name and his address when reliable public documents establish the correct name. Such inconsistency may cause difficulty in establishing his identity, parentage and continuity of records in future official or personal transactions.

24. At the same time, the correction must be appropriately recorded so that the authenticity and traceability of the original birth certificate are preserved. The defendants can therefore be directed to make the correction in accordance with their prescribed

procedure, by retaining an appropriate note in the relevant register regarding the correction made pursuant to the judgment and decree of this Court.

25. The plaintiff is consequently entitled to a declaration regarding the his correct name and his father correct name and his permanent address and to a consequential mandatory injunction directing correction of the school records and issuance of a corrected birth certificate, subject to payment of the prescribed fee and surrender of the original certificate, if required under the applicable rules. Accordingly, Issue No.4 is answered in the **Affirmative**.

26. **Issue No.5:-** In view of the findings recorded on Issue Nos.1 to 4, the suit deserves to be decreed. Considering the nature of the dispute and the circumstances in which the erroneous entry was made, it is appropriate to direct the parties to bear their own costs.

O R D E R

The suit of the plaintiff is hereby **decreed.**

It is hereby declared that the plaintiff correct name is **“Kishan D.P”** and the correct name of the plaintiff’s father is **“Dayanand Umana Poojari”** and his permanent address is **“Nishan Nilaya, Near Gutthu”**, as recorded in the plaintiff’s birth certificate.

The concerned defendants shall carry out the correction within **three months** from the date of production of the certified copy of this judgment and decree before them.

After carrying out such correction, the concerned authority shall issue a fresh birth certificate.

The authorities are at liberty to make an endorsement in the relevant register that the

correction has been effected pursuant to the judgment and decree passed by this Court.

The parties shall bear their own costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, typed by his and the transcript revised and corrected by me and pronounced in the open Court on this 15th day of July 2026).

(Ramalingappa)
Principal Civil Judge & JMFC.,
Belthangady.

ANNEXURE

List of witnesses examined on behalf of plaintiff:-

PW1/GPA holder : Sri. Nishan

List of documents exhibited on behalf of plaintiff:

Ex.P1 : GPA
Ex.P2 : Copy of Birth Certificate of the plaintiff;
Ex.P3 : Office copy of Legal Notice,
Ex.P4 : Postal receipt,
Ex.P5&6 : Postal Acknowledgment,
Ex.P7 : Copy of Adhar card of the plaintiff;
Ex.P8 : Copy of Adhar card of the father of plaintiff,
Ex.P9 : Copy of Ration card of plaintiff family.

List of witnesses examined on behalf of defendant:-

-Nil-

List of documents exhibited on behalf of defendant:-

-Nil -

**(Ramalingappa)
Principal Civil Judge & JMFC.,
Belthangady.**