

KADW020077412025



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O.S.No.905/2025

**IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C.,
DHARWAD**

Present:

**Sri. Kadappa Hukkeri
Prl. Civil Judge & J.M.F.C, Dharwad**

Dated this the 21st day of July, 2026

O.S.No.905/2025

<u>Plaintiff:</u>		RIYANABEGUM KALAS W/o: Mahaboobsab Kalas Occ: Housewife, Age: 42 Years, R/o: #1076, S.M. Krishna Nagar, C Block, Old hubballi, Hubballi - 580024
		(By Sri.R.S.Helavar., Adv)
		Versus
<u>Defendants:</u>	1.	Government of Karnataka Rep. by D.C. Dharwad.
	2.	The Chief Registrar of Births and Deaths Issuing Authority Hubballi-Dharwad Municipal Corporation Zonal Office – 12, P.B. Road, Jubilee Circle, Dharwad – 580008.
		(Exparte)

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O.S.No.905/2025

Nature of the suit	:	Suit for declaration and injunction
Date of institution of the suit	:	19-11-2025
Date of commencement of recording evidence	:	16-03-2026
Date of Judgement	:	21-07-2026
Total duration	:	Years Months Days
		00 08 02

**Prl. Civil Judge and J.M.F.C.
Dharwad.**

JUDGMENT

This suit instituted by plaintiff against defendant for a decree for declaration and directing defendants to correct the her name as Riyanabegum Mahaboobsab Kalas and her husband name as “Mahaboobsab S/o Hasansab Kalas” in the death certificate.

2. The summary of the plaint is as follows:

It is the case of the plaintiff that, she is the wife of deceased Mehaboobsab Hasansab Kalas, her husband



died on 01-02-2021 leaving behind her wife without any issues. After the death of her husband the plaintiff has given the intimation to the Registrar of Birth and Death Corporation, Hubballi-Dharwad. The name of the deceased is recorded as Babu Kalas in the death extract and name of plaintiff is mentioned as Rehana. The plaintiff is illiterate lady and in the month of January 2025 came to know about the wrong entry in the death certificate of her husband. On 16-06-2025 the plaintiff has written request letter for change of her husband name and her name in the death certificate, but the defendant No.2 issued an endorsement on 18-07-2025 directing to approach to the Court. As such the plaintiff constrained to file the present suit.

3. After institution of the suit summons to the defendant issued. Despite of service of summons the defendants remained absent, consequently they are placed *exparte*.



4. To prove her case the plaintiff herself examined as PW1 and got marked documents as Ex.P1 to Ex.P5.

5. Arguments were heard and perused the materials on records. Based on the pleadings and materials on the record the points that arise for consideration as follows.

POINTS

- 1) Whether the plaintiff proves that her husband is wrongly entered as Babu Kalas and her name as Rehana in the death certificate issued by defendants?
- 2) Whether plaintiff is entitled relief as sought for?
- 3) What order or decree?

6. The findings of this Court to the above points are as follows:

Point No.1 : in the affirmative.

Point No.2 : in the partly affirmative.

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



REASONS

7. **Point No.1:** In the affidavit evidence PW1 has stated that her husband Mehaboobsab Hasansab Kalas died on 01-02-2021 leaving behind herself and no other issues. After death of her husband she had given intimation to the Registrar of Birth and Death Corporation Hubali-Dharwad and the defendant No.2 entered the name of her husband as Babu H Kalas and her name as Rehana in the death certificate. She is illiterate lady and came to know in the month of January 2025 regarding the wrong entry in the death certificate. Her husband correct name is Mehaboobsab Hasansab Kalas and her correct name is Riyanabegum Mahaboobsab Kalas the defendant No.2 has wrongly entered in the death certificate. When she has requested through letter the defendant No.2 has refused the correct the same and issued endorsement directing the plaintiff to approach the Court.



8. In order to substantiate her claims, the plaintiff herself examined as PW1 by filing his affidavit evidence in the affidavit evidence PW1 has reiterated the entire averments made in the plaint. In support of her oral evidence the plaintiff produced the death extract dated 19-02-2021, which is marked as Ex.P1. In the said death extract in the name column is mentioned as Babu H Kalas and at wife column name Rehana is mentioned. Further plaintiff has produced the Aadhaar card and election identity card, wherein her husband name is mentioned as Mahaboobsab S/o Hasansab Kalas. Further plaintiff has produced her Aadhar card which is marked as Ex.P4, her name is recorded as Riyanabegum W/o Mahaboobsab Kalas and further the plaintiff has produced endorsement dated 18-07-2025 issued by Assistant Commissioner, Corporation Hubali-Dharwad directing the plaintiff to bring the order from the court.



9. It is the case of plaintiff that her name is a Riyanabegum W/o Mahaboobsab Kalas to prove the same is relied on Ex.P4 Aadhaar card which support the claim of the plaintiff. Similarly the plaintiff has produced the Aadhaa Card as per Ex.P2 and voter identity card of her husband, wherein her husband name is mentioned as Mahaboobsab S/o Hasansab Kalas. On going through Aadhaar card and Voter Identity card the wrong entry of the name of the deceased in the death extract is apparent is the case of the record. Further it is to be noted that the defendants have issued an endorsement to the plaintiff to bring order of the court. Despite of service of suit summons defendants remained absent, they have not examined PW1 and nor produced any documents. The evidence of PW1 remained unchallenged there is nothing on record to disbelieve the claim of the plaintiff. When the defendants have refused to correct the error without any alternative remedy the plaintiff has approached to the Court.



10. In the case of MR. SUHAS L S/O LATE LOKESH H P Vs. THE CHIEF REGISTRAR BIRTHS AND DEATHS GOVERNMENT OF KARNATAKA and thers reported in NC: 2025:KHC:27031 in RFA No. 2454 of 2024 dated 18-07-2025 the Hon'ble High of Karnakat held that the plaintiff must first exhaust the remedy under Section 15 the Registration of Births and Deaths Act,1969 before approaching the Civil Court. The suit, filed before the Civil Court seeking rectification of entries in the Death Certificate, is not maintainable. The power to correct entries in the birth and death certificated vested in the Registrar under said Act. Therefore the grant of mandatory injunction as prayed by the plaintiff is clearly barred the jurisdiction of Civil Court. The Registrar of Births and Deaths has the sole authority to rectify the errors in such records, including substantive changes like correcting names, date of birth or any other corrections in the birth and death certificates.



11. The plaintiff sought the relief of defalcation to declare name of her husband as Mehaboobsab Hasansab Kalas and her correct name as Riyanabegum Mahaboobsab Kalas. The civil suit regarding declaration of the correct name of the person is not barred under any statute. It covers under Section 34 of the Specific Relief Act. The said Section is reproduced hereunder for discussion.

34. Discretion of court as to declaration of status or right.—

Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief:

Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.



Explanation.—A trustee of property is a “person interested to deny” a title adverse to the title of some one who is not in existence, and whom, if in existence, he would be a trustee.

12. As per the above said provision, a person's name is not merely a label but a fundamental attribute of their identity, directly constituting their "legal character." When an administrative authority or an individual denies or disputes a person's true name, it infringes upon this legal character, hereby giving the affected individual a valid cause of action to approach a civil court for a formal legal declaration. The court is having discretionary power to issue a decree declaring a person's entitlement to a specific legal character or name.

13. Therefore, the plaintiff has established that her correct name is Riyanabegum W/o Mahaboobsab Kalas and her husband name is Mahaboobsab S/o Hasansab Kalas. Accordingly **Point No.1 is answered in the Affirmative.**



14. **Point No.2:** The plaintiff sought the direction from the Court to correct the entry in the death extract. The defendant No.2 itself is having authority to correct the wrong entries in the birth or death certificate on the application filed by the applicant. The court has no jurisdiction to direct the defendant to make correction in the death certificate by way of mandatory injunction. Therefore, the plaintiff is not entitled for the relief of mandatory injunction. The plaintiff is at liberty to file necessary application to the defendant No.2 for correction of name in the death certificate. Therefore, the plaintiff is entitled to the relief of declaration. Accordingly **Point No.2 is answered in the partly Affirmative.**

15. **Point No.3 :** In view of findings on point Nos.1 and 2, this Court proceeds to pass the following order.



ORDER

The suit of the plaintiff is hereby partly decreed no order as to costs.

The defendants are hereby directed to correct the name of husband of plaintiff as Mahaboobsab S/o Hasansab Kalas and his wife name as Riyanabegum Mahaboobsab Kalas in the death extract.

Draw decree accordingly.

(Dictated to the stenographer, typed and transcribed by her, corrected and then pronounced by me in the open Court on 21st day of July, 2026)

(Kadappa Hukkeri)
Prl. Civil judge and J.M.F.C
Dharwad.

ANNEXURE

1. List of witnesses examined for the Plaintiff.

P.W.1	:	Riyanabegam W/o Mahaboobsab Kalas
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2. List of the documents marked for the plaintiff:

Ex.P.1	:	Death certificate
Ex.P.2	:	Aadhaar card
Ex.P.3	:	Voter I.D
Ex.P.4	:	Aadhar card of plaintiff
Ex.P5	:	Endorsement

3. List of witnesses examined for the Defendants.

-NIL-

4. List of documents marked for the Defendants.

-NIL-

**Prl. Civil Judge and J.M.F.C.
Dharwad.**