

KADW300003512026



IN THE COURT OF THE CIVIL JUDGE & JMFC,
KALAGHATAGI

PRESENT: Sri.G Sanjeev Kumar, MBA., LLB.,
Civil Judge & JMFC,
Kalaghatagi.

DATED THIS THE 25th DAY OF JULY, 2026

O.S.No.: 61/2026

PLAINTIFF/S: Sri. Yogesh S/o. Pomappa Lamani
Age: 18 years, Occ: Student,
R/o. Nelliharavi village,
Tq: Kalaghatagi, Dist: Dharwad.

(By Smt. S.Y.G., Advocate)

V/s

DEFENDANT/S: The State of Karnataka Represented
by its Deputy Commissioner,
Dharwad, Dist: Dharwad.

2 The Secretary
Pre University Examination Board,
6th Cross, Malleshwaram,
Bengaluru,

3 The Commissioner
Public Education Department,
Dharwad, Tq & Dist: Dharwad.

4 The Block Education Officer

Public Education Department,
Kalaghatagi, Tq: Kalaghatagi,
Dist: Dharwad.

- 5 The Head Master
Swami Vivekanand Vidyalay,
Kalaghatagi, Tq: Kalaghatagi,
Dist: Dharwad.
- 6 The Head Master
Government Adarsh Vidyalay
Dastikoppa, Tq: Kalaghatagi,
Dist: Dharwad.
- 7 The Principal
Government Polytechnic
Vidyanagar, Hubballi,
Tq: Hubballi, Dist: Dharwad.

(D1 to 7 By AGP)

Date of Institution of the suit:	04.04.2026		
Nature of the suit:	Declaration and Mandatory injunction		
Date of commencement of recording of the evidence:	06.07.2026		
Date of which the Judgment was pronounced:	25.07.2026		
Total duration:	<u>Years</u> 00	<u>Months</u> 03	<u>Days</u> 21

**Civil Judge & JMFC,
kalaghatagi.**

J U D G M E N T

This suit is filed by the plaintiff seeking a relief of declaration to declare that his name is **“Yogesh Pomappa Lamani”** instead of **“Yogesh S/o Pumappa Lamani”** as recorded in official records and consequential direction to the defendants to effect necessary corrections in public documents.

PART- A

1. Factual Trajectory of the plaintiff's case:

The case of the plaintiff is encapsulated as per below:

(I) The plaintiff contends that his correct name is **“Yogesh Pomappa Lamani”**. However, due to inadvertent clerical error, his name has been wrongly recorded as **“Yogesh S/o Pumappa Lamani”** in his school records and other public documents. It is further pleaded that the incorrect entry has caused hardship and inconvenience to him and his offsprings.

(ii) The plaintiff asserts that he had approached the Defendants being the government authorities for effecting correction of the said errors, but the said authorities failed to effect necessary changes. Consequently, the Plaintiff was constrained to bring an action against the Defendants vide this suit.

2. Written Statement filed by the Defendant:

The contentions raised by the defendants in their written statement are encapsulated as follows:

(i) The Defendants denying all the plaint averments, specifically plead that, the entries in public records were made based on documents furnished by the plaintiff or his guardians at the relevant time. There is no clerical or typographical error attributable to the defendants.

(ii) The suit is barred for want of statutory notice under Section 80 of CPC. The plaintiff has not produced cogent documentary proof to substantiate that his alleged name is his legally adopted name.

(iii) Further, the Plaintiff has filed this suit for name correction with an intention to grab the property belonging to one "**Yogesh Pomappa Lamani**". Consequently, the defendants pray for the dismissal of the suit.

3. Issues framed

Acting U/o 14 rule 1 of CPC and considering the materials on record, this court had framed the following issues for consideration:

ISSUES

Issue No.1: Whether the plaintiff proves that his correct name of "Yogesh S/o. Pomappa Lamani"?

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

Issue No.3: Whether the plaintiff is entitled for the relief of mandatory direction as sought for?

Issue No.4: What Order or Decree?

4. Plaintiff's Evidence :-

Plaintiff had examined himself as PW1 and had filed an affidavit in lieu of his examination-in-chief and got marked

Ex.P1 to Ex.P16. The detailed description of the documents are as per below:

Sl. No.	Description of Document	Exhibits
1	Original Aadhar card bearing Nos.6633 and 3820	Exs.P-1 & 2
2	Study certificate	Ex.P-3
3	Original Voter I D Card	Ex.P-4
4	Original Ration card	Ex.P-5
5	School certificate dtd 26.06.2026	Ex.P-6
6	Legal notice dtd 08.01.2026	Ex.P-7
7	Postal receipts (4 numbers)	Ex.P-8
8	Postal acknowledgments (4 numbers)	Ex.P-9
9	Postal receipts (3 numbers)	Ex.P-10
10	Letter dated 16.01.2026 issued by DC Dharwad	Ex.P-11
11	School certificate dtd 26.12.2025	Ex.P-12
12	Study certificate dtd 26.12.2025	Ex.P-13
13	Study certificate dtd 26.12.2025	Ex.P-14
14	Study certificate dtd 24.12.2025	Ex.P-15
15	Study certificate dtd 08.01.2026	Ex.P-16

5. Defendants' Evidence :-

The defendants have not led their evidence and they have not produced any documents.: :

6. Findings on the Issues:-

Heard the arguments of the plaintiffs and the Defendants and perused the materials on record. This Court had arrived at the following findings :-

Issue No.1 : In the **Affirmative**

Issue No.2 : In the **Affirmative**

Issue No.3 : In the **Affirmative**

Issue No.4 : As per final order for the following:

PART- B

7. Issue No. 1: This issue is raised casting burden on the Plaintiff to prove that, his correct name is "**Yogesh Pomappa Lamani**".

8. In order to discharge the said burden, the Plaintiff has entered the witness box as **PW1** and has relied upon **Exhibits P1 to P16**. Among these documents, **Ex.P3 to Ex.P6** and **Ex.P12 to Ex.P16** assume significance for adjudication of the present issue.

9. Ex.P3 to Ex.P6 comprise the study certificates, Voter Identity Card and Ration Card pertaining to the Plaintiff's father. A careful scrutiny of these documents

unequivocally reveals that the name of the Plaintiff's father is consistently recorded as "**Pomappa**" and not "**Pumappa**". Significantly, these documents have remained unchallenged during the course of the cross-examination of PW1. No suggestion has been put disputing either the authenticity of these documents or the correctness of the name "Pomappa" appearing therein. Consequently, the entries contained in Ex.P3 to Ex.P6 remain unrebutted and carry substantial evidentiary value.

10. Ex.P12 to Ex.P16 are the educational records of the Plaintiff. It is true that in these documents the Plaintiff's name is reflected as "**Yogesh Pumappa Lamani.**" The Plaintiff's consistent case is that the spelling of his father's name in these educational records is erroneous and that the correct name ought to be "**Pomappa.**" During his cross-examination, PW1 has categorically reiterated that he has produced his father's educational and identity documents to establish the correct spelling of his father's name. Though it was suggested to PW1 that the present suit has been

instituted with an intention to alter his father's name for the purpose of securing governmental benefits, the said suggestion has been emphatically denied. More importantly, the Defendants have not led any evidence whatsoever to substantiate such an allegation.

11. It is equally relevant to note that the Defendants have neither questioned the genuineness nor the admissibility of Ex.P1 to Ex.P16. No contrary documentary evidence has been produced to demonstrate that the Plaintiff's father was ever known as "Pumappa". Mere suggestions made in cross-examination, unsupported by any evidence, do not constitute proof and are insufficient to discredit the Plaintiff's documentary evidence.

12. The documentary evidence placed on record clearly demonstrates that the authentic records pertaining to the Plaintiff's father consistently describe his name as "**Pomappa.**" In such circumstances, the incorrect mention of the father's name as "Pumappa" in the Plaintiff's

educational records appears to be nothing more than a clerical or inadvertent error. The Court cannot permit such an error to perpetuate, particularly when the true state of affairs is established through reliable documentary evidence.

13. It is further to be borne in mind that a person's name and identity constitute integral facets of his civil rights. The right to have one's own name and the name of one's parent correctly reflected in public and educational records is a valuable civil right which accrues from birth. The Plaintiff does not seek any declaration with a view to secure any pecuniary advantage or benefit under any governmental scheme. His claim is confined solely to obtaining a declaration that his correct name is "**Yogesh Pomappa Lamani**", so that his educational records may accurately reflect his identity.

14. This view finds support from the judgment of the Hon'ble High Court of Karnataka in **Kumar Arush v. State**

of Karnataka and Others, RSA No.100023 of 2026, wherein it has been observed that the civil rights of a person arise simultaneously with his birth, and the right to have one's identity correctly recorded in official records is one such enforceable civil right. The ratio of the said decision squarely applies to the facts of the present case.

15. Viewed from any angle, the oral testimony of PW1 stands duly corroborated by the documentary evidence on record. The Defendants have failed to rebut the Plaintiff's case by producing any cogent evidence to the contrary. Consequently, this Court is satisfied that the Plaintiff has successfully discharged the burden cast upon him. **Accordingly, Issue No.1 is answered in the Affirmative.**

16. Issue Nos.2 & 3: These issues relate to the Plaintiff's entitlement to the relief of declaration and the consequential relief of mandatory injunction. Since the determination of the Plaintiff's entitlement to the

consequential relief is dependent upon the finding on the declaratory relief sought, both these issues are intrinsically interconnected. Hence, they are taken up together for common discussion to avoid repetition of facts and evidence.

17. At the outset, it is pertinent to note that while answering Issue No.1, this Court has already arrived at a categorical finding that the Plaintiff has successfully established that his correct name is "**Yogesh Pomappa Lamani**" and that the mention of his father's name as "**Pumappa**" in his educational records is merely an inadvertent clerical error. Once the Plaintiff has established his civil right to have his correct identity reflected in public records, he necessarily becomes entitled to seek appropriate declaratory relief under Section 34 of the Specific Relief Act.

18. The very object of a declaratory decree is to quieten uncertainty regarding a person's legal character or civil right. A person's name is an inseparable component of

his legal identity. Public records are intended to reflect true and correct particulars of a citizen, and when those records contain an apparent error capable of being established through reliable evidence, the Civil Court is competent to declare the correct state of affairs. Refusal of such declaration despite satisfactory proof would result in perpetuation of an illegality and continued prejudice to the individual concerned.

19. The Defendants have sought to contend that the entries in the records were made on the basis of the information furnished by the Plaintiff or his guardians and, therefore, no liability can be fastened upon the authorities. This contention, in the considered opinion of this Court, does not disentitle the Plaintiff from seeking declaratory relief. Even assuming that the original entry came to be made on the basis of information furnished at the relevant point of time, once the Court is satisfied that such entry is erroneous and that the Plaintiff has established the correct particulars by cogent evidence, the erroneous entry cannot

be permitted to continue merely because of the source from which it originated. Administrative convenience cannot override the substantive civil rights of a citizen.

20. Likewise, the allegation that the Plaintiff has instituted the present suit with an intention to lay claim over the property of another person bearing the name "Yogesh Pomappa Lamani" is wholly unsupported by any evidence. The Defendants have neither produced any documentary material nor examined any witness to probabalise the said plea. A mere allegation in the written statement, unsupported by evidence, is of no evidentiary value. It is well settled that pleadings are not proof, and a fact pleaded but not established by admissible evidence cannot be accepted by the Court.

21. The objection regarding non-compliance with Section 80 of the Code of Civil Procedure is also liable to be rejected. Ex.P1 and Ex.P2 disclose that the Plaintiff had caused issuance of statutory notice to the concerned

authorities before institution of the suit, and there is nothing on record to show that the mandatory requirement contemplated under Section 80 of the Code has been violated. Hence, the said objection does not survive for consideration.

22. Having established his legal entitlement to the declaration sought, the Plaintiff would also be entitled to the consequential relief of mandatory injunction. A mere declaratory decree, without directing the concerned authorities to carry out the necessary corrections in their records, would remain ineffective and incapable of practical enforcement. The consequential direction sought is, therefore, only ancillary to and flows naturally from the declaration granted. Such a direction neither creates a new right in favour of the Plaintiff nor causes prejudice to the Defendants; it merely obligates the concerned authorities to bring their records in conformity with the true factual and legal position declared by this Court.

23. The evidence placed on record unmistakably establishes that the Plaintiff has approached this Court only for correction of an inadvertent mistake in his records and not for securing any collateral advantage. The Defendants have failed to substantiate any of the defences raised in the written statement. On the contrary, the Plaintiff has proved his entitlement by cogent oral and documentary evidence. Consequently, this Court is of the considered opinion that the Plaintiff has made out a clear case for grant of both the declaratory relief and the consequential relief of mandatory injunction. **Accordingly, Issue Nos.2 and 3 are answered in the Affirmative.**

24. Issue No.4: For the forgoing reasons, this Court is inclined to pass the following:

ORDER

The suit of the Plaintiff is hereby
decreed with costs.

It is hereby declared that the
correct name of the Plaintiff is
"Yogesh Pomappa Lamani".

Consequently, the Defendants are directed, by way of **mandatory injunction**, to effect necessary corrections in the educational and other public records maintained by them pertaining to the Plaintiff by **retaining the existing entry and incorporating the declared name as an alias**, so that the Plaintiff's name shall be reflected as:

**"Yogesh S/o Pumappa Lamani
@ Yogesh Pomappa Lamani"**

or in such other equivalent manner as may be administratively feasible, clearly indicating that "Yogesh Pomappa Lamani" is the correct and declared name of the Plaintiff, while preserving continuity of the existing records.

The aforesaid corrections shall be carried out within **sixty (60) days** from the date of receipt of a certified copy of this Judgment and Decree, after due verification of the identity of the Plaintiff.

Office is hereby directed to draw decree accordingly.

(Dictated to Adalat Ai, auto transcribed by Adalat Ai formatted by Stenographer corrected by me and then pronounced by me in the open court on this **25th day of July, 2026**)

(G. Sanjeev Kumar)
Civil Judge & JMFC,
Kalaghatagi,

ANNEXURE**List of witnesses examined on behalf of Plaintiff :**

PW.1 : Sri. Yogesh S/o. Pomappa Lamani

List of documents marked on behalf of plaintiff;

Exs.P1 & 2 : Original Aadhar card bearing Nos.
6633 and 3820

Ex.P3 : Study Certificate

Ex.P4 : Original Voter I D Card

Ex.P5 : Original Ration card

Ex.P6 : School certificate dtd 26.06.2026

Ex.P7 : Legal notice dtd 08.01.2026

Ex.P8 : Postal receipts (4 numbers)

Ex.P9 : Postal acknowledgments

Ex.P10 : Postal receipts (3 numbers)

Ex.P11 : Letter dtated 16.01.2026 issued by
DC Dharwad.

Ex.P12 : School certificate dtd 26.12.2025

Ex.P13 : Study certificate dtd 26.12.2025

Ex.P14 : Study certificate dtd 26.12.2025

Ex.P15 : Study certificate dtd 24.12.2025

Ex.P16 : Study certificate dtd 08.01.2026

List of witnesses examined on behalf of Defendants:

- NIL-

List of documents marked on behalf of Defendants:

- NIL-

(G. Sanjeev Kumar)
CIVIL JUDGE & JMFC,
KALAGHATAGI,