

KADW300008722025



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.: 194/2025

PLAINTIFF/S: Sujata W/o. Manjayya Karennavar
Age: 24 years, Occ: House hold work,
R/o. Bisaralli village,
Tq: Kalaghatagi, Dist: Dharwad.

(By G.M.M., Advocate)

V/s

DEFENDANT/S: The Deputy Commissioner
D C Officer,
Dharwad, Dist: Dharwad.

2 The Tahasildar
Kalaghatagi,
Kalaghatagi Taluka
Dist: Dharwad.

3 The Registrar Birth and Death
R/o: Kalaghatagi,
Tq: Kalaghatagi, Dist: Dharwad.

4 The Zonal Commissioner
Zonal Office No.05

Hubballi-Dharwad Municipal
Corporation, Hubballi.

(D1 to 4 By AGP)

Date of Institution of the suit:	06.06.2025
Nature of the suit:	Declaration and Mandatory injunction
Date of commencement of recording of the evidence:	18.02.2026
Date of which the Judgment was pronounced:	25.07.2026
Total duration:	<u>Years</u> <u>Months</u> <u>Days</u> 01 01 19

**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 the name of her son is **“Istarthayya” instead of “Vismaya”** 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 the correct name of her son is "**Istarthayya**". However, due to inadvertent clerical error, his name has been wrongly recorded as "**Vismaya**" in his Birth Certificate and other public documents. It is further pleaded that the incorrect entry has caused hardship and inconvenience to him as he now wants to join the school for education.

(ii) The plaintiff asserts that she 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 the guardians of the child 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 "**Istarthayya**". 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 son correct name is “Istarthayya”?

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 herself as PW1 and had filed an affidavit in lieu of her examination-in-chief and got marked Ex.P1 to Ex.P5. The detailed description of the documents are as per below:

Sl. No.	Description of Document	Exhibits
1	Original endorsement issued by HDMS Hubballi dtd 17.04.2025	Ex.P-1
2	Computerized copy of birth certificate dtd 15.02.2024	Ex.P2
3	Copy of Aadhar card of the plaintiff (Compared with original)	Ex.P-3
4	Copy of Aadhar card of the son of the plaintiff (compared with original)	Ex.P-4
5	Copy of Aadhar card of the husband of the plaintiff (compared with original)	Ex.P-5

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 the correct name of her Son is "**Istharthayya**".

8. In order to discharge the said burden, the Plaintiff has examined herself as **PW1** by filing her examination-in-chief by way of affidavit and has produced and got marked **Ex.P1 to Ex.P5**. Ex.P1 is the original endorsement dated

17.04.2025 issued by the HDMC, Hubballi. Ex.P2 is the computerized copy of the birth certificate of the minor child. Ex.P3 is the Aadhaar Card of the Plaintiff, Ex.P4 is the Aadhaar Card of the minor child, and Ex.P5 is the Aadhaar Card of the Plaintiff's husband. These documents are relevant for adjudication of the present issue and, therefore, merit consideration.

. **9.** At the outset, it is pertinent to note that neither the oral testimony of PW1 nor the documentary evidence produced by her has been effectively challenged by the Defendants. During the course of cross-examination, the Defendants have not disputed the genuineness, authenticity, or admissibility of Ex.P1 to Ex.P5. No material contradiction has been elicited from PW1 so as to discredit her testimony. It is a settled principle of civil jurisprudence that evidence which remains substantially uncontroverted carries considerable probative value unless inherently improbable.

10. A careful reading of the cross-examination of PW1 reveals that she has candidly admitted that at the time of submitting the application for registration of the birth of the child, her husband inadvertently mentioned the child's name incorrectly. Consequently, the same incorrect name came to be reflected in the birth records. PW1 has consistently maintained that the actual and intended name of the child is "**Istharthayya**" and that the discrepancy is the result of an inadvertent mistake committed while furnishing particulars before the registering authority.

11. The evidence further discloses that the Plaintiff approached the competent authority seeking correction of the child's name in the birth records. However, instead of effecting the correction, the authority issued the endorsement at **Ex.P1**, directing the Plaintiff to obtain an appropriate decree from a competent Civil Court. Thus, Ex.P1 itself substantiates the Plaintiff's case that she exhausted the administrative remedy available to her and approached this Court only after being compelled to do so

by the concerned authority. The cause of action for the present suit, therefore, stands clearly established.

12. It is well settled that a person's name constitutes an integral facet of his or her civil identity and legal personality. The right to bear and be identified by one's correct name is a valuable civil right. Whenever such identity is incorrectly recorded in public records and the statutory authority declines to rectify the mistake without a judicial declaration, the jurisdiction of the Civil Court under Section 34 of the Specific Relief Act can be invoked for declaration of the correct name. Such a declaration neither creates a new identity nor confers a new legal status; it merely recognises and declares the existing factual and legal position.

13. In the present case, there is nothing on record to suggest that the Plaintiff seeks the declaration for any fraudulent, illegal or oblique purpose. Equally, there is no rival claimant or competing evidence disputing that the

correct name of the minor child is "**Istharthayya**". The oral testimony of PW1 is consistent with the documentary evidence and remains unshaken throughout the cross-examination. On the touchstone of preponderance of probabilities, this Court finds no reason to disbelieve the Plaintiff's version.

14. Accordingly, this Court is satisfied that the Plaintiff has successfully established that the correct name of her son is "Istharthayya" and that she is entitled to the declaratory relief sought. Hence, **Issue No.1 is answered in the Affirmative.**

15. Issue Nos.2 & 3: These issues are raised to discuss regarding the Plaintiffs' entitlement for the relief of Declaration and mandatory Injunction, respectively. Since both these issues arise out of the same set of facts and evidence and are interlinked, they are taken up together for common discussion in order to avoid repetition.

16. While answering Issue No.1, this Court has already held that the Plaintiff has successfully established that the correct name of her minor son is "**Istharthayya**". The testimony of PW1, coupled with the documentary evidence produced at Ex.P1 to Ex.P5, clearly establishes that the discrepancy in the birth records occurred on account of an inadvertent error committed while furnishing particulars before the registering authority. The evidence further discloses that immediately upon noticing the error, the Plaintiff approached the competent authority seeking correction of the child's name. However, the competent authority, instead of carrying out the correction, issued the endorsement at Ex.P1 directing the Plaintiff to obtain an appropriate decree from a competent Civil Court.

17. The declaration sought by the Plaintiff is not merely academic in nature. It is necessitated by the refusal of the statutory authority to rectify the birth records without an order of a Civil Court. The Plaintiff has thus established both the existence of a legal character requiring protection

and the denial thereof by the concerned authority. A declaration regarding the correct name of an individual falls within the jurisdiction of the Civil Court under Section 34 of the Specific Relief Act, where such declaration becomes necessary to safeguard the civil identity of a person and to remove the cloud cast upon it by an erroneous public record.

18. A person's name is an inseparable component of his or her legal identity. Public records relating to birth constitute foundational documents from which several other identity documents are generated. An incorrect entry in such records is capable of perpetuating errors in educational records, identity documents, passports, and other public records. Therefore, once the Court is satisfied, on appreciation of evidence, that the recorded name is erroneous and that the name claimed by the Plaintiff is the correct one, the Plaintiff becomes entitled to a declaration recognizing such correct name.

19. Having granted the declaratory relief, the consequential relief of mandatory injunction also deserves consideration. The purpose of the declaration would be rendered illusory if the concerned statutory authority is permitted to retain the incorrect entry despite a judicial determination. The mandatory injunction sought by the Plaintiff is merely consequential to the declaration and is intended to give effective implementation to the decree of this Court. The Plaintiff is not seeking creation of any new right but only correction of an erroneous public record so that it reflects the true and correct particulars of the minor child.

20. The direction sought against the registering authority is also consistent with the settled principle that where a statutory authority declines to exercise its power solely on the ground that a civil adjudication is necessary, and such adjudication has thereafter been made by a competent Civil Court, the authority is bound to carry out the consequential correction in accordance with law.

Granting the declaration without directing consequential correction would result in multiplicity of proceedings and would defeat the very purpose for which the Plaintiff approached this Court.

21. Accordingly, this Court is of the considered opinion that the Plaintiff has successfully established her entitlement to both the declaratory relief and the consequential relief of mandatory injunction directing the competent authority to carry out the correction in the birth records by substituting the incorrect name with the correct name "**Istharthayya**", subject to compliance with the procedural requirements prescribed under the Registration of Births and Deaths Act, 1969, the Rules framed thereunder, and any other applicable statutory provisions. Hence, **Issue No.2 is answered in the Affirmative** and **Issue No.3 is also answered in the Affirmative.**

22. 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's minor son is "**Istharthayya**".

Defendant No.3/Registrar of Births and Deaths, HDMC, Hubballi (or the competent authority concerned), is hereby directed, by way of **mandatory injunction**, to correct the entry relating to the name of the Plaintiff's minor son in the Birth Register and to issue a fresh Birth Certificate incorporating the child's correct name as "**Istharthayya**", in accordance with the provisions of the Registration of Births and Deaths Act, 1969, the Rules framed thereunder, and other applicable statutory provisions.

It is made clear that this decree is confined only to the correction of the name of the minor child in the birth records and shall not be construed as declaring or altering any other particulars recorded therein.

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,

A N N E X U R E

List of witnesses examined on behalf of Plaintiff :

PW.1 : Sri. Sujata W/o. Manjayya Karennavar

List of documents marked on behalf of plaintiff;

Ex.P1 : Original endorsement issued by HDMS
Hubballi dtd 17.04.2025

Ex.P2 : Computerized copy of birth certificate
dated 15.02.2024

Ex.P3 : Copy of Aadhar card of the plaintiff
(compared with original)

Ex.P4 : Copy of Aadhar card of the son of the
plaintiff (compared with original)

Ex.P5 : Copy of Aadhar card of the husband of
the plaintiff (compared with original)

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,