

KAHS410039152023



Presented on : 13-10-2023
Registered on : 13-10-2023
Decided on : 20-06-2026
Duration : 2 years 8 months 7 days

**IN THE COURT OF PRINCIPAL CIVIL JUDGE AND
J.M.F.C. AT ARSIKERE**

:: PRESENT ::

**SMT.VEENA KOLEKAR, BA., LL.B.(Hons), LL.M.
Prl. Civil Judge & J.M.F.C., Arsikere**

DATED THIS 20TH DAY OF JUNE 2026

ORIGINAL SUIT No.704/2023

Plaintiff : Sri.Umesha B.C.
S/o Changabhovi,
Aged about 40 years,
R/o: Bhairagondanahalli Bhovi
Colony Village, Banavara Hobli,
Arsikere Taluk.

(By Sri.V.B., Advocate)

- Versus -

Defendants : 1. The Chief Secretary,
State of Karnataka,
Vidhana Soudha,
Bangalore – 1.

2. The Director of Public Instructions,
Education Department,
Vidhana Soudha, Bangalore – 1.
3. The Block Educational Officer
Block Education Office,
Somwarpet, Somwarpet Taluk,
Kodagu District – 571 236.
4. The Block Educational Officer,
Block Education Office,
Arsikere Town, Arsikere Taluk.
5. The Principal/Head Master,
Jnanaganga Residential School,
Panchavati, Attur,
Harangi Rehabilitation Area,
Harangi Post,
Near Kushal Nagar – 571 234,
Somwarpet Taluk, Kodagu District.
6. The Principal/Head Master,
Gurukula International School,
Near Gavimutt, N.H.206,
Byragondanahalli, Banavara,
Arsikere Taluk – 573 112.
7. The Birth and Death Registrar,
Arsikere Town Municipality,
Arsikere – 573 103.

**(D-1 & 2 by Sri.A.G.P.,
D-3 to 5 placed Exparte,
D-6 by Sri.K.C.S., Advocate
& D-7 by Sri. P.G.K., Advocate)**

Nature of Suit	Declaration and mandatory injunction
Date of Evidence	12.11.2024

(SMT.VEENA KOLEKAR)
Prl. Civil Judge & J.M.F.C.,
Arsikere.

:: JUDGMENT ::

The plaintiff has filed this suit against the defendants for declaration and seeking rectification of his daughter's name in all the school records and the birth certificate by deleting the existing name appearing as "Manya Shree B.U." to insert the name of the plaintiff as "Hanvi Aradhya B.U."

2. The brief facts of the case of the plaintiff are as under:

The plaintiff's daughter by name Manya Shree B.U. was born on 13.01.2009 and now she is studying in 9th standard at Gurukula International School, near Gavimutt, Byragondanahalli, Banavara, Arsikere Taluk and she had studied at Jnanaganga Residential School Attur, Kushalnagar, Somwarpet, Madikeri from LKG to 8th

Standard. At the time of obtaining Birth Certificate, her name was given as Manya Shree B.U. and the same was carried out in all the records including school records. Thereafter, while making the Janmakundali of plaintiff's daughter about six months back, Astrologer and elders of plaintiff's family told him that the name of his daughter is not suitable and suggested to change the name of his daughter as Hanvi Aradhya B.U. instead of Manya Shree B.U.

3. As such, the plaintiff given request letter to the defendants and the 7th defendant has given endorsement to the plaintiff in this regard. Further the plaintiff also requested defendant No.3 to 6 orally but they insisted the plaintiff to obtain the birth certificate to that effect to change the name. Such being the case, on 05.08.2023 the plaintiff issued notice to the defendants and the same was served on defendants except the defendant No.6 and none have given the reply to the said notice. Hence, the plaintiff has filed this present suit.

4. After the service of suit summons, the defendant No.1, 2, 6 and 7 have appeared through their respective counsels and defendant No.7 has filed his written statement. In spite of service of summons, defendant No.3 to 5 remained absent, hence, they were placed *exparte*.

The defendant No.7 in his written statement had denied the averments of the plaint and contended that he has entered the name of the plaintiff's daughter in the Birth Certificate as per hospital documents furnished by the plaintiff. Hence, no fault is committed by the defendant in entering the name of the plaintiff's daughter in Birth Certificate. The defendant No.7 further contended that he does not have any power to rectify the Birth Certificate. Hence, prayed to dismiss the suit.

5. Based on the pleadings and materials available on record, my predecessor in office then has framed the following issues:

:: ISSUES ::

- 1. Whether the plaintiff proves that she is entitled to get relief as sought in the plaint to get declaration as his daughter name as Hanvi Aradhya B.U. instead of Manyashree B.U.?*
- 2. Whether the plaintiff is entitled for the relief of declaration and mandatory injunction as prayed for ?*
- 3. What order or Decree ?*

6. In order to prove the case, the plaintiff was examined as PW-1 and got marked 11 documents as per Ex.P1 to Ex.P11.

7. Heard both side and perused the material on record.

8. My findings on the above issues are -

Issue No.1 : In the Affirmative

Issue No.2 : Partly in the Affirmative

Issue No.3 : As per final order for the following:

:: REASONS ::

9. **Issue No.1 and 2** : Since both the issues are inter connected to each other, they are taken together for common discussion to avoid repetition of the facts and appreciation of evidence.

10. It is the case of the plaintiff that his daughter's name is "Manya Shree B.U." and as per the advice of the Astrologer, he intends to change her name as "Hanvi Aradhya B.U." in the birth certificate and in school records.

11. In order to prove the case, the plaintiff got examined himself as PW-1 and reiterated the plaint averments. The plaintiff has produced birth certificate of his daughter

and marks cards of II PU and 8th and 9th standard as per Ex.P5 to 8. Ex.P5 to 8 reveal the name of the plaintiff as “Manya Shree B.U.” It is contended by the plaintiff that due to the advice of the astrologer, he intends to change his daughter’s name as “Hanvi Aradhya B.U.” Therefore, there is no malafide intention on the part of the plaintiff to change her name as “Hanvi Aradhya B.U.” instead of “Manya Shree B.U.” in all the School Records. Though there is an omission, it is well-settled law that our names are an incredibly important part of our identity. They carry deep personal, cultural, familial, historical and religious connections. They also give us who we are, the society in which we belong and our place in this world. This is so held by our Hon'ble High Court in the case of ***Srivatsa M. Subodha -versus- The Government of Karnataka [Writ Petition No.6961/2023 (GM-RES) dated 6.6.2023*** - In so far as change of name in the birth certificate of the plaintiff is concerned, in the recent decision of our Hon'ble High Court rendered in the case of ***Mr.Suhas.L Vs. The Chief Registrar, Births and Deaths and another (RFA.No.2454/2024 dated 18.7.2025)***, the Hon'ble High Court has held that the nature of the relief seeking rectification of entries in the birth and death certificate is within the domain of the Registrar under Section 15 of Registration of Births and

Deaths Act, 1969 and there exists a clear bar under Section 9 of the C.P.C and the Civil Court lacks jurisdiction to entertain the same. Therefore, in view of the aforesaid decision, it is necessary to direct the defendant No.1 to 6 to enter the name of plaintiff's daughter as "Hanvi Aradhya B.U." in school records and it is not necessary to direct the defendant No.7 to enter the plaintiff's daughter name in birth certificate. However, the plaintiff is at liberty to approach the Registrar of Births and Deaths in accordance with law.

12. In view of the reasons stated above, the change of name of the plaintiff's daughter in her educational records no way affects the administration or cause inconvenience to any of the parties. The Court is of the opinion that the rights and feelings of the plaintiff should be respected and plaintiff's daughter name shall be corrected in the educational records.

13. Hence, from the oral and documentary evidence adduced by the plaintiff, it is clear that his daughter's name is entered as "Manya Shree B.U." instead of "Hanvi Aradhya B.U" in all her school records and Birth Certificate.

14. The plaintiff has proved that his daughter's name is Hanvi Aradhya B.U. In view of the above said reasons,

the plaintiff is entitled for the relief of declaration and to rectify his daughter's name in the school records. Accordingly, Issue No.1 is answered in the "**Affirmative**" and 2 answered "**Partly in the Affirmative**".

15. **Issue No.3** : For the reasons stated and discussion made above, this Court proceed to pass the following;

:: ORDER ::

The suit of the plaintiff is hereby decreed in part.

It is declared that the correct name of plaintiff's daughter is "Hanvi Aradhya B.U".

The defendant No.1 to 6 are hereby directed to rectify the name of the plaintiff's daughter as "Hanvi Aradhya B.U" in all the school records by deleting name appearing as Manya Shree B.U. and to issue fresh school records to the plaintiff by receiving necessary fees if any.

No order as to cost.

Draw decree accordingly.

(Dictated to the stenographer and typed by her in computer, corrected and signed by me and then order is pronounced in the open Court on the 20th day of June, 2026)

(SMT.VEENA KOLEKAR)
Prl. Civil Judge & J.M.F.C.,
Arsikere.

:: ANNEXURE ::**A) Witness examined on behalf of the plaintiff:**

PW-1 - Umesh B.C.

B) Documents marked on behalf of the plaintiff:

Ex.P1 - Notice dated 05.08.2023
Ex.P2 - 7 Postal Receipts
Ex.P3 - 7 Postal Acknowledgments
Ex.P4 - Reply
Ex.P5 - Birth Certificate of plaintiff's daughter
Ex.P6 - Notarized copy of II PU Marks Card
of plaintiff's daughter
Ex.P7&8 - Notarized copy of VII & IX Marks Card
of plaintiff's daughter
Ex.P9-11 - Aadhaar Cards of plaintiff and his wife
and daughter

C) Witness examined on behalf of defendant:

-NONE-

D) Documents marked on behalf of defendant:

-NIL-

**Prl. Civil Judge & J.M.F.C.,
Arsikere.**