



Presented on : 26-02-2019  
Registered on : 26-02-2019  
Decided on : 01-07-2026  
Duration : 07 years, 04 months,  
05 days

**IN THE COURT OF 1<sup>st</sup> ADDL., CIVIL JUDGE & JMFC,**  
**HIREKEUR**  
**(SITTING AT ITINERARY COURT AT RATTIHALLI)**

**Present:**

SRI. BASAVARAJ NESARAGI,  
B.Sc.,LL.B (Spl)  
1<sup>st</sup> Addl. Civil Judge & JMFC  
HIREKERUR.

**O.S. No.81/2019**

**Dated this the 01<sup>st</sup> day of July, 2026**

1. Arun S/o Erappa Ganiga Jyotibannada,  
Age: 19 years, Occ: Student,  
R/o Hallur, Tq: Rattihalli, Dist: Haveri.

**.....Plaintiff**

**(By Sri. S.G.P.. Advocate)**

**-Vs-**

1. The Head Master,  
Govt. Higher Primary School,  
Hallur, R/at: Hallur, Rattihalli Taluk,  
Haveri District.
2. The Head Master,  
Sri. Ranganath High School, Hallur,  
R/at: Hallur, Rattihalli Taluk,  
Haveri District.
3. The Principal,  
Government Pre-University College,



- Honnali, Honnali Taluk,  
Davanagere District.
4. The Principal,  
Government Degree College,  
Honnali, Honnali Taluk,  
Davanagere District.
  5. The Chancellor,  
Kuvempu University,  
Shankargatta, Shivamogga,  
Tq & Dist: Shivamogga.
  6. The B.E.O Hirekerur,  
Tq: Hirekerur, Dist: Haveri.
  7. The D.D.P.I Haveri,  
Dist: Haveri.
  8. On behalf of Government of Karnataka,  
The Deputy Commissioner, Haveri.
  9. The Chief Secretary,  
Government of Karnataka,  
Vidhana Soudha, Bengaluru.
  10. Siddalingeshwara Sanivasa Higher Primary School,  
Siddaganga, Tumkur Taluk, Tumkur District.
- .....Defendants**
- (Defendant No.1 & 2, 6 to 8 are represented by learned A.G.P.)  
(Defendant No.3 to 5, 9 & 10 are placed exparte)**

\* \* \* \* \*

|                             |            |
|-----------------------------|------------|
| Date of Institution of suit | 26-02-2019 |
|-----------------------------|------------|



|                                             |                                                |           |           |
|---------------------------------------------|------------------------------------------------|-----------|-----------|
| Nature of suit                              | Suit for Declaration and mandatory injunction. |           |           |
| Date of commencement of recording evidence. | 23-05-2023                                     |           |           |
| Date of Judgment                            | 01-07-2026.                                    |           |           |
| Total Duration                              | Year/s                                         | Month/s   | Day/s     |
|                                             | <b>07</b>                                      | <b>04</b> | <b>05</b> |

### **::J U D G M E N T ::**

This suit is filed by the plaintiff against defendants for relief of declaration and mandatory injunction.

#### **2. In brief, the facts of case are as follows:**

The plaintiff is studying B.Com 3rd Semester at the 4<sup>th</sup> defendant College. The plaintiff has completed his primary education in the 1<sup>st</sup> defendant school. Further, he has completed his high school education in the 2<sup>nd</sup> defendant school. The plaintiff has completed his pre-university education in the 3<sup>rd</sup> defendant college. And at present he is pursuing his degree in the 4<sup>th</sup> defendant college. The defendant No. 5 to 9 are the concerned officers and as they are also necessary parties in the said suit, hence they have been made as parties in the suit.



**3.** The name of the family of the plaintiff is Jyothibannada and the name of father of plaintiff is Erappa S/o Basavanneppa Jyothibannada. Accordingly, it is recorded in his father school records. The name of the plaintiff's brother is Halesh and his name is also recorded in the school records as Halesh S/o Erappa Jyothibannada. The name of the plaintiff is Arun S/o Erappa Jyothibannada, but in the school records of the defendant no. 1, it is wrongly recorded as Arun S/o Erappa Ganiga and further same is continued in the school records of defendant No.2, 3 and 4.

**4.** The name of the plaintiff is Arun S/o Erappa Jyothibannada. The caste of the plaintiff is Ganiga but the defendant no. 1 has registered the name of the plaintiff family in his school record as Ganiga instead of registering the name of the plaintiff's family as Jyothibannada and the said mistake is continued by the defendants no. 2 to 4 but the name of the plaintiff's family is Jyothibannada and the said name of his family is not registered in his school record.



**5.** When things stood like this, the plaintiff approached the defendant No.1 to 4 to correct the said mistake, which was wrongly recorded in their school records and in view of the plaintiff's future, the defendants No. 1 to 4 have refused to correct it, the plaintiff has issued a legal notice through his counsel on 15-11-2018. However, the defendants No. 2 to 4 replied to the said notice that, since the said name had been there since the primary school level, the said name would have to be corrected in the primary school or only if a court order is obtained. However, the defendant No. 1 did not give any reply to the plaintiff's notice, and therefore the said suit was filed.

**6.** After registering the suit, suit summons were issued to defendants. Though summons was served on the defendant No. 3 to 5 and defendant No.9 & 10 they failed to appear before the court, hence the defendant No.3 to 5 and defendant No.9 & 10 are placed as Ex-parte. The defendant No.1 & 2, 6 to 8 have appeared through learned A.G.P.. Defendant No.6 has filed written statement which is adopted by the defendant No.1, 2, 7 & 8 wherein they have denied the case of plaintiff and have contended that, the suit of the



plaintiff is bad for non joinder of necessary parties and barred by law of limitation. Hence, on all these grounds they prayed to dismiss the suit.

**7.** On the basis of the above pleadings and documents placed on record, my Ld. predecessor in office has framed the following issues as under;

- 1) Whether the plaintiff proves that, his correct name is 'Arun S/o Irappa Jyothibannada' and his surname was wrongly entered as 'Ganiga' in his educational records?
- 2) Whether the defendant No.6 proves that, the suit is bad for non-joinder of necessary parties?
- 3) Whether the defendant No.6 proves that, suit of the plaintiff is barred by law of limitation?
- 4) Whether the plaintiff is entitled for the relief as prayed for ?
- 5) What order or decree?



8. In order to prove the case of plaintiff, he himself got examined as PW.-1 and got marked 22 documents at Ex.P-1 to P-22. On the contrary though defendant No. 1, 2, 6 to 8 have filed their W.S. but have not lead any defendant evidence on their behalf and defendant evidence is taken as nil. But during cross examination of PW1, through confrontation Ex.D1 is marked.

9. Heard the arguments of both learned counsel for plaintiff and AGP, perused material documents and evidence placed on record.

10. Upon hearing the arguments and on perusal of the material documents and evidence placed on record, my findings on the above issues are as under:

Issue No.1: In the Affirmative.

Issue No.2: In the Negative.

Issue No.3: In the Negative.

Issue No.4: In the Affirmative.

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

**:: R E A S O N S ::**

11. **Issues NO.1 & 4:** I have taken issue No.1 & 4 together for common discussion as they are inter linked with each other in



order to avoid repetition of facts and circumstances of this case and for common appreciation of evidence. The plaintiff in order to substantiate his case he himself got examined as PW-1 and sworn affidavit in lieu of his examination-in-chief by reiterating the contents of the plaint and got marked documents at Ex.P.1 to P.22. The Ex.P-1 is the legal notice, Ex.P.2 to 10 are postal receipts, Ex.P.11 to 17 are the postal acknowledgements, Ex.P.18 is school record of defendant No.2, Ex.P.19 & 20 are the reply to legal notice and Ex.P.21 & 22 are postal acknowledgements.

**12.** It is the specific case of the plaintiff that his surname has been wrongly entered in his educational records as "Ganiga" instead of "Jyothibannada". The plaintiff further deposed that he has approached the defendants and requested them to rectify his surname in his educational records issued by them, but the defendants have not rectified the same. On the contrary, though defendants have denied the case of plaintiff, but has not lead any amount of evidence in order to prove their version.





**13.** The plaintiff further deposed that the cause of action arose on 15-11-2018 when notices were served on defendants and when they refused to rectify.

**14.** The plaintiff in support of his case has produced the documents at Exs.P.1 to 22. The Ex.P-1 is the legal notice, Ex.P.2 to 10 are postal receipts, Ex.P.11 to 17 are the postal acknowledgements, Ex.P.18 is school record of defendant No.2, Ex.P.19 & 20 are reply notice to legal notice and Ex.P.21 & 22 are postal acknowledgements.

**15.** Therefore, on perusal of Ex.P.1 it reveals that, plaintiff in order to rectify his surname in his educational records has approached the defendants but the defendants have refused.

**16.** I have gone through the oral and documentary evidence lead on behalf of the plaintiff. The plaintiff has produced his father's school study certificate and his adhar card, but he has not got marked and exhibited the same on his behalf. But, on perusal of the xerox copy of adhar card, it is public document and on perusal it reveals that, the surname of plaintiff family is mentioned



as Jyotibannada. The xerox copy of school study certificate of plaintiff's father also show that, surname of his father is Jyotibannada. Mere non marking or non exhibiting of the said documents by the plaintiff does not throw away the entire case of the plaintiff. Further, adhar card of the plaintiff is a public document which is valid document to show proof of identity of plaintiff. The surname of the plaintiff family has been wrongly entered in educational records of plaintiff, which is evident through oral and documentary evidence lead by the plaintiff. Thus oral evidence adduced and the documents furnished by the plaintiff along with suit reveals that the name of plaintiff's family surname has been wrongly entered in his school educational records as "Ganiga" wherein plaintiff family surname is "Jyothibannada".

**17.** Therefore, the oral as well as documentary evidence placed by the plaintiff discloses that, the name of plaintiff's family surname has been wrongly entered in his educational records as "Ganiga" instead of "Jyothibannada". In view of refusal by the defendants, if his family surname is not rectified, he will be put to irreparable loss and hardship. Hence, this court is of the



considered view that, the plaintiff has successfully proved his case by adducing oral and documentary evidence that his family surname is “Jyothibannada” and defendants have wrongly entered his family surname as “Ganiga” instead of “Jyothibannada” in his educational records. There is no doubt that the surname of the plaintiff family is wrongly mentioned in the educational records of plaintiff. Further, from oral and documentary evidence adduced at Ex.P.1 to 22 and copy of adhar card of plaintiff and school study certificate of plaintiff’s father, wherein on cumulative reading of documentary as well as oral evidence of the plaintiff goes to show that in the educational records of plaintiff, the family surname of the plaintiff is wrongly entered as "Ganiga" instead of "Jyothibannada". Now the plaintiff has brought the instant suit seeking declaration of plaintiff surname and rectification of the same in his educational records and he has succeeded in proving this issue. Plaintiff is a student and he is pursuing the education. Non correction of his surname to reflect his surname of his family causes him serious prejudice in school records, examination and future credential. The Hon’ble High court of Karnataka in one of it’s



decision held that, surname does not determine legal entitlements and change of surname does not affect substantial legal rights. Surname is the social identifier. In the instate case, the defendant has indicated that, they are merely act upon the court decree and plaintiff has right to declare his surname and rectify his surname which is the part of broder conspect of identity and dignity under article Indian Constitution. Now this court has relied on the *decision of Hon'ble High Court of Karnataka Bench at Dharwad in R.S.A. No.5214/2011 (Kumar Kallappa Mallappa Mali and Another V/s State of Karnataka and Others) decided on 02.03.2017*, wherein it is held that the trial Court in respect of declaration of surname and mandatory injunction and rectification of school records is permitted. In the instant suit, the plaintiff has sought the relief of declaration of his surname and rectification of the same in his educational records as "Jyotibannada".

**18.** The plaintiff has also sought for the relief of mandatory injunction to direct the defendant to rectify the surname of the plaintiff in the educational records of plaintiff. In order to meet the ends of justice and to safeguard the interest of plaintiff it is just



and necessary to direct the defendants to rectify the surname of plaintiff in his educational records. Hence, the plaintiff is entitled for rectification of plaintiff's surname in his educational records issued by defendants. Accordingly, I answer **Issues No.1 & 4 in the affirmative.**

**19. Issue No.2 & 3:** In order to prove these issues by defendant No.1, 2, 6 to 8 have filed written statement contending that, suit of the plaintiff is bad for non joinder of necessary parties and suit is barred by law of limitation they have not lead any evidence in the regard. Further, during the pendency of the suit plaintiff has impleaded defendant No.10 thus non joinder of necessary parties does not arise for consideration. Further, plaintiff has issued legal notice to defendants on 15-11-2018 and the defendants refused to rectify his family surname. Hence, cause of action arose when the defendants failed to rectify and not from the date when wrong entry has been made in the school record of plaintiff and suit is filed within limitation. **Accordingly, I answer Issue No.2 & 3 in the Negative.**



**20. ISSUE NO.5:** In view of discussion made in detail while answering issues No.1 to 4 and for the reasons thereunder, I proceed to pass the following:

**:: O R D E R ::**

The suit of the plaintiff is hereby decreed.

It is hereby declared that, the surname of the plaintiff is “Jyothibannada”.

The defendants are hereby directed to rectify the surname of the plaintiff as “Jyothibannada” in the educational records of plaintiff and provide certificates by receiving prescribed fees as per law.

Looking to the facts and circumstances of the case, no order as to costs.

Draw the decree accordingly.

*(Dictated to the stenographer directly on computer, typed by him, corrected and then pronounced by me in the open court on this the **01<sup>st</sup> day of July, 2026**)*

**(BASAVARAJ NESARAGI)**  
**1<sup>st</sup> Addl., Civil Judge & JMFC,**  
**Hirekeur**  
**(Sitting at Itinerary Court,)**  
**Rattihalli.**



**:: A N N E X U R E ::**

**List of witnesses examined on behalf of plaintiff:**

PW.1 : Arun S/o Erappa

**List of exhibited documents marked on behalf of plaintiff.**

Ex.P.1 : Legal Notice  
Ex.P.2 to 9 : Postal receipts  
Ex.P.11 to 17 : Postal acknowledgements  
Ex.P.18 : School document  
Ex.P.19 & 20 : Reply notices  
Ex.P.21 to 22 : Postal acknowledgements

**List of witnesses examined on behalf of defendants.**

- Nil -

**List of documents marked on behalf of defendants.**

Ex.D.1 : School Admission register  
Ex.D.1(a) : Selected part of admission register

**(BASAVARAJ NESARAGI)**  
**1<sup>st</sup> Addl., Civil Judge & JMFC,**  
**Hirekeur**  
**(Sitting at Itinerary Court,)**  
**Rattihalli.**