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

Present: Ashwinichandrakanth
B.Sc., LL.B.
Civil Judge and J.M.F.C.,
Shiggaon.

Dated this the 02nd day of June, 2026

OS No.148/2020

Veerappa S/o. Ningappa Baraker,
Age: 47 years, Occ: Service,
R/o: Basava Nagar, #4840,
Jekinakatti Road, Shiggaon.

(By Sri.F.S.K., Advocate)

.... PLAINTIFF

V/s.

1. State of Karnataka by its
The Deputy Commissioner; Haveri,
Devagiri Hill, Dist.Haveri.
2. Department of Pre-University Education,
Govt. of Karnataka by its Director, Dept. of
Pre-University Education, Sampige Road,
Malleshwaram, Bengaluru - 12.

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3. Karnataka Secondary Education Examination Board,
Bengaluru by its Secretary, KSEEB, 1st Floor,
6th Cross, Malleshwaram, Bengaluru - 03.
4. Deputy Director of Public Instructions,
Education Department, Haveri, Devagiri Hill,
Haveri.
5. Block Education Officer,
Education Department Shiggaon,
At: Animal Husbandry College,
Near KEB, Shiggaon - 581205.
6. Channappa Kunnur PU College Shiggaon
by its Principal, Channappa Kunnur School,
Old Bus Stand Road, Shiggaon - 581205.
7. Govt. Higher Primary School No.1, Shiggaon
By its Headmaster, Near Mamledesai School,
Bankapur Road, Shiggaon - 581205.
8. Govt. Primary School No.3, Shiggaon
By its Headmaster, Gandhi Nagar,
Shiggaon - 581205.

**(Sri.A.G.P., to D1, 4, 5, 7 & 8)
(D2 and D3 are absent)
(D6 is inperson)**

.... DEFENDANTS

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Date of Institution of the :
suit 09.10.2020

Nature of the suit : Suit for Declaration.

Date of commencement of :
recording of evidence 04.03.2025

Date on which the :
judgment was pronounced 02.06.2026

Total duration : Year/s Months Day/s
05 07 24

J U D G M E N T

The Plaintiff has filed the suit for declaration and rectification of date of birth as 04.06.1973 instead of 04.06.1979.

2. The facts of the case the plaintiff in actual are as follows:

The Plaintiff submits that, he is serving in Town Municipal Council Shiggaon and now transferred to TMC

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Bankapur Shiggaon. He is born on 04.06.1973 at Shiggaon. Accordingly his birth entry has been registered before the Tahasildar of Shiggaon and they have issued birth certificate on 30.06.1973. The Plaintiff's date of birth is entered in the Municipal Service Book. Plaintiff further averred that through oversight and mistake, the Plaintiff's date of birth has been entered in School records as on 04.06.1979. This fact came to the Plaintiff's knowledge very recently when he has obtained the certified copy of the birth certificate and seeking to rectify the same as on 06.06.1973 instead of 04.06.1979. Therefore, the Plaintiff submits that it is necessary to rectify his date of birth in the School records. Plaintiff further averred that he has issued a legal notice on 16.08.2019 to the Defendants through RLAD. The said notices have been served on all the Defendant. Except Defendant No.8, None of the Defendants

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have given any reply. The Defendant No.8 in his reply, denied the contents of the legal notice dated 04.11.2019 and admitted that the Plaintiff had admitted in their School and also entered the date of birth. Hence, file this suit.

3. The summons was issued by this court to the Defendants. In spite of service of summons Defendants No.1, 4, 5, 7 and 8 appeared through learned counsel AGP. Defendants No.2 and 3 are remain absent. Defendant No.6 appeared in person. Defendants No.1 to 8 have not filed their written-statement.

4. On perusal of pleadings the following points that arise for the consideration of this court as follows:

POINTS

1. Whether the plaintiff proves that, his correct date of birth is 04.06.1973?

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2. Whether the plaintiff is entitled for the reliefs claimed in plaint?
3. What order or decree?
5. In order to prove her case the plaintiff got himself examined as PW1 and got marked the documents Ex.P1 to Ex.P21. i.e., Ex.P1 is the Birth Certificate, Ex.P2 is legal notice, Ex.P3 is Postal Cover, Ex.P4 to P12 are Postal Receipts, Ex.P13 to 19 are the postal acknowledgments, Ex.P20 is Letter issued by Town Municipal Bankapur and Ex.P21 is School Transfer Certificate.
6. On other hand the defendants have not stepped into the witness box.
7. Heard the arguments adduced by the learned counsel for plaintiff and defendants.
8. My answer to the above issues are as under:

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Point No.1 : In the Negative

Point No.2 : In the Negative

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

REASONS

9. **POINT No. 1:-** It is the specific case of the plaintiff for the declaration and rectification of correct date of birth. As per section 101 and 103 of Indian Evidence Act 1963 the heavy burden lies on the plaintiff to prove his case. In support of his case plaintiff filed his affidavit filed in lieu of examination in chief and examined as PW.1 has reiterated the plaint averments. Further, Plaintiff has produced and got marked Ex.P1 to 20. Plaintiff contented that through oversight Plaintiff's date of birth has been entered in School records as 04.06.1979 and the said fact is recently came to the knowledge of Plaintiff. Further contented that his correct date of birth is 04.06.1973 as per his birth certificate. Then, Plaintiff

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contented it is necessary to rectify his date of birth in School records. It is pertinent to note here that on going through the pleadings of the Plaintiff, he has filed the suit for declaration and rectification of his date of birth as per the birth certificate. Plaintiff has filed the suit for declaration of his correct date of birth. However, Plaintiff has not claimed the relief of mandatory injunction. Therefore, this Court is of the opinion to mention Section 34 of Specific Relief Act as below:

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:

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Provided that no Court shall make any such declaration where the Plaintiff, being able to seek further relief that 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 someone who is not in existence, and for whom, if in existence, he would be a trustee.

10. On bare reading of Section 34 of Specific Relief Act which clearly enumerates that, No Court shall make any such declaration where the Plaintiff being able to seek further relief then a mere declaration of title, which omits to do so. Here in this case Plaintiff is seeking for declaration without seeking mandatory injunction. Even though if the declaration is granted further relief will be remained silent. The plaintiff must claim all necessary reliefs in one comprehensive suit.

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Hence, as per Section 34 of Specific Relief Act the present suit is not maintainable without relief of consequential direction by way of mandatory injunction. **Accordingly this court answers Points No.1 and 2 are in Negative.**

11. **POINT No.3:-** For the reasons stated while discussing Points Nos.1 and 2, this Court proceeds to pass the following:

ORDER

The suit of the Plaintiff is hereby dismissed with costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, typed by her on computer, corrected by me and then pronounced in the open court on this the **02nd day of June 2026**).

(ASHWINICHANDRAKANTH)
Civil Judge & JMFC,
Shiggaon.

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ANNEXURE

THE LIST OF WITNESSES EXAMINED ON BEHALF OF THE PLAINTIFF:

P.W.1 : Veerappa S/o. Ningappa Barker.

THE LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENDANTS:

-NIL-

THE LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE PLAINTIFF:

Ex.P1 : Birth Certificate
Ex.P2 : Legal Notice
Ex.P3 : Postal cover
Ex.P4 to P12 : Postal Receipts
Ex.P13 to 19 : Postal Acknowledgments
Ex.P20 : Letter issued by Town Municipal Bankapur
Ex.P21 : School Transfer Certificate.

THE LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE DEFENDANTS:

-NIL-

Sd/-
(ASHWINICHANDRAKANTH)
Civil Judge & JMFC,
Shiggaon.