

KAMD410005502026



Presented on : 18-02-2026
Registered on : 21-02-2026

**IN THE COURT OF THE I ADDL. CIVIL JUDGE AND J.M.F.C.,
AT MALAVALLI**

:Present:

SMT. KAVYASHREE H.S.
I Addl.Civil Judge and JMFC.,
Malavalli

Dated this the **21st** day of **April 2026**

O.S.No.128/2026

Plaintiff/s: Afifa Tabassum,
D/o Afifa Tabassum
& Late Naseem Pasha,
Aged about 17 years,
Since the plaintiff is the mionr
Represented by natural
Guardian and mother
Afifa Tabassum,
W/o Late Naseem Pasha,
Aged about 42 years,
R/o No.2198, 14th Ward,
Pete, Muslim Block,
Malavalli Town,
Mandya District.

(By Sri. **K.S.M.**, Advocate)

- Vs-

Defendant/s: The Chief Officer,
The Registrar
of Births and Deaths,
Municipality Office,
Malavalli Town,
Mandya District.

(Defendant - In person)

Nature of the suit	Declaration and Mandatory Injunction		
Date of Institution of the suit	18-02-2026		
Date of commencement of recording of evidence	21-04-2026		
Date on which Judgment was pronounced	21-04-2026		
Total duration	Year/s 00	Month/s 02	Day/s 03

: J U D G M E N T :

The plaintiff has filed this suit against the defendant for the relief of mandatory injunction and declaration to declare the plaintiff's name as 'Afifa Tabassum' instead of 'Afif Tabsam' and plaintiff's mother name as 'Almas Tabassum' instead of 'Almas Tabasum' and further for issuance of direction to the defendant to rectify the said mistakes in the birth certificate of plaintiff.

2. The case of the plaintiff's in brief is as follows:

The plaintiff asserts that plaintiff born on 23.02.2009, out of wedlock to the plaintiff's father Naseem Pasha and mother Almas Tabassum at Mandara Meternity Home, Malavalli Town, Malavalli and plaintiff and mother name was registered with the name 'Afif Tabsam' and 'Almas Tabasum' and before the defendant in the birth registrar instead of 'Afifa Tabassum' and 'Almas Tabassum' on the same day. The plaintiff is a permanent resident of the address stated in the cause title. The correct name of the plaintiff name is 'Afifa Tabassum' and mother name is 'Almas Tabassum'. The plaintiff's correct particulars have been consistently recorded in all government-issued documents. However, the incorrect name of plaintiff 'Afif Tabsam' and name of mother 'Almas Tabasum' has been entered in the birth certificate of plaintiff issued by the defendant, thereby creating a discrepancy between the plaintiff's official and academic records. This error came to the plaintiff's attention only in recent days. Due to this incorrect entry, the plaintiff is currently facing difficulties in educational and administrative matters and is likely to face further hardship in the future if the mistake is not rectified. Consequently, the plaintiff requesting the necessary corrections in the official records. While the defendant has acknowledged receipt of the request letter, the defendant has given endorsement on 13.02.2026. Despite this, no action has been taken to amend the records. The plaintiff continues to suffer distress and inconvenience due to the inaccuracy, which has persisted since the academic year. Hence the suit.

3. Upon the filing of the plaint, though summons was duly served, the defendant appeared. The defendant has filed a written statement, in which he denied the material allegations set forth in the plaint, asserting that they are false. The defendant further contended as follows:

4. **WRITTEN STATEMENT OF THE DEFENDANT**

The defendant asserts that the affidavit filed by the plaintiff contains false and misleading statements and, as such, is liable to be dismissed with costs. The plaintiff has incorrectly alleged in the affidavit that the plaintiff name is 'Afifa Tabassum' and mother name is 'Almas Tabassum', whereas the records clearly state the plaintiff name as 'Afif Tabsam' and mother name is 'Almas Tabasum'. This assertion made by the plaintiff is factually incorrect and baseless. The plaintiff further claims that the details entered in the school admission records such as the name of the student, father's name, daughter's name, caste, and date of birth are erroneous. The plaintiff has also alleged that the attestation made by the defendant certifying the correctness of the entries is false. In this context, the plaintiff has wrongly named her name and mother name as 'Afif Tabsam' and 'Almas Tabasum', whereas the correct name of plaintiff and her mother name is 'Afifa Tabassum' and 'Almas Tabassum'. All relevant documents pertaining to student admissions correctly reflect 'Afif Tabsam' and 'Almas Tabasum'. The plaintiff has stated that her name and her mother name in the submitted list was wrongly entered as 'Afif Tabsam' instead of 'Afifa Tabassum' and 'Almas Tabasum' instead of 'Almas Tabassum', and that this mistake occurred

based on information allegedly provided by the parents. However, the defendant submits that birth certificate and related documents have been obtained under the Right to Information Act, and in all such records, the plaintiff and her mother name is clearly and consistently recorded as 'Afif Tabsam' and 'Almas Tabasum'. Hence, the plaintiff's claims are entirely false and misleading. It is further submitted that in the statement filed before the trial court, the plaintiff has alleged that several entries in the school admission register specifically the student's name, father's name, daughter's name, caste, and date of birth are incorrect. Despite the defendants allegedly informing the plaintiff and requesting correction, the plaintiff has failed to take any steps to verify or address the issue through proper administrative channels. The plaintiff has denied the contents of the written statement through the reply and now bears the burden of proving all allegations made therein. The defendant submits that, as recognized by the trial court, the plaintiff does not possess the legal standing or authority to seek rectification of entries such as name, caste, or date of birth in the official school records. On this ground alone, the application filed by the plaintiff is untenable and is liable to be dismissed. The reasons advanced by the plaintiff in the reply are wholly false, fabricated, and motivated by malice with the intention of sustaining the present proceedings. Therefore, under **Order VII Rule 11 of the CPC** the plaint is liable to be rejected.

5. The plaintiff submitted an affidavit for examination-in-chief and was examined as PW.1, with Exhibits P1 to P8 marked. While PW.1

appeared for cross-examination, the defendant's counsel failed to conduct it, and the cross-examination was recorded as 'NIL.' Subsequently, the case proceeded to the defendant's evidence stage. However, the defendant was absent, leading to the cross-examination of the defendant also being recorded as 'NIL.' The matter is now set for judgment.

6. Based on the pleadings presented by both parties, the court has formulated the following issues for consideration:

ISSUES :

- 1. Whether the plaintiff proves that, the her name and her daughter correct name is 'Afifa Tabassum and Almas Tabassum' instead of 'Afif Tabsam and Almas Tabasum'?**
- 2. Whether the plaintiff proves that, in the Birth Certificate of her daughter, her name and her daughter name is mentioned as 'Afif Tabsam and Almas Tabasum' which needs rectification?**
- 3. Whether the plaintiff is entitled for the reliefs as sought for?**
- 4. What Order or Decree?**

7. Having heard the arguments from the learned counsel for plaintiff and on perusal of the materials on record.

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:

: REASONS :

8. **ISSUES NO.1 TO 3:-** Since these issues are inter linked with each other they have been taken up together for discussion to avoid repetition of facts.

9. As elucidated in the preceding discourse of the plaintiff's case, it is contended that an error has been perpetrated by the defendant in recording the plaintiff and her mother name in the birth certificate of plaintiff. The plaintiff's has diligently implored the defendant to rectify this error; however, regrettably, the defendant has shown reluctance in remedying the situation. Consequently, the plaintiff has been compelled to initiate this declaratory suit to rectify and establish to correct the name.

10. Having meticulously examined both the oral and documentary evidence on record, it is evident that PW-1 has unequivocally affirmed that the plaintiff correct name is 'Afifa Tabassum' and her mother correct name is 'Almas Tabassum' in the birth certificate of plaintiff. It is pertinent to note that PW-1's testimony aligns seamlessly with the assertions made in the plaint and reiterated in her affidavit. To corroborate this assertion, PW-1 has tendered several documents as exhibits, marked as Ex.P.1 to Ex.P.8. Ex.P1 and 2 are the endorsement, Ex.P3 is the birth certificate, Ex.P4 is the notarized copy of SSLC marks card, Ex.P.5 is the notarized copy of aadhar card of the plaintiff, Ex.P.6 is the notarized copy of aadhar

card of the plaintiff's mother, Ex.P.7 is the notarized copy of transfer certificate, Ex.P.8 is the notarized copy of ration card of the plaintiff.

11. Upon examination of the evidence adduced by PW.1, who is the plaintiff in the present case, it is evident that the testimony has been consistent, cogent, and supported by documentary proof.

12. PW1 her oral testimony with documentary evidence (marked exhibits), which fulfill the requirements under Order XIII Rule 1 of the Code of Civil Procedure and primary document as per the Indian Evidence Act. Importantly, the defendant has failed to rebut the evidence produced by PW.1. There is no contrary documentary proof submitted by the defendant to validate the plaintiff correct name is 'Afifa Tabassum' instead of 'Afif Tabsam' and her mother correct name is 'Almas Tabassum' instead of 'Almas Tabasum' in the birth certificate of plaintiff. Furthermore, there is no cross-examination disproving the authenticity of the Aadhaar and birth certificate submitted by the plaintiff.

13. In civil cases, the standard of proof is preponderance of probabilities, not proof beyond reasonable doubt. In the present case, the plaintiff has sufficiently discharged the burden of proof under **Sections 101 and 102 of the Indian Evidence Act** and has established that plaintiff name is 'Afifa Tabassum' instead of 'Afif Tabsam' and her mother name is 'Almas Tabassum' instead of 'Almas Tabasum' in the birth certificate of plaintiff. Since the defense has failed to discharge their burden under Section 103, the presumption of correctness lies in favour of the plaintiff. Therefore,

based on the unshaken testimony of PW.1, supported by legally admissible documents, and applying settled civil principles, this Court finds the plaintiff's version trustworthy and proven. The evidence clearly supports the rectification sought in the documents

14. It is noteworthy to emphasize that upon meticulous examination of the documents submitted by the plaintiff, namely the endorsement, birth certificate of the plaintiff and aadhar card of the plaintiff, transfer certificate of the plaintiff, it is evident that the name recorded therein is 'Afifa Tabassum' and 'Almas Tabassum'. Additionally, the plaintiff asserts that any omission of plaintiff's and her mother name from the birth certificate of plaintiff is attributable to an error on the part of the defendant.

15. Upon thorough scrutiny of the documentary evidence, it is evident that the name of the plaintiff's and her mother name is absent from Exhibit P.3. Additionally, Exhibit P.4 to 8 distinctly indicates that the name of the plaintiff and her mother is 'Afifa Tabassum' and 'Almas Tabassum'. Furthermore, Exhibits P.4 to 8 are documents issued by department in the ordinary discharge of their official responsibilities. Hence, pursuant to **Section 35 of the Indian Evidence Act**, the presumption mandated therein must be invoked. Section 35 of the Indian Evidence Act stipulates:

"Relevancy of entry in public record or an electronic record made in performance of duty.—An entry in any public or other official book, register, or record or an electronic record, stating a fact in issue or relevant fact, and made by a public servant

in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record or an electronic record is kept, is itself a relevant fact."

16. In light of the provisions delineated in **Section 35 of the Indian Evidence Act**, it is unequivocally established that the entries regarding the plaintiff and her mother name contained in Exhibits P.4 to 8 were meticulously recorded by public servants in the course of their official duties, and by any person in performance of a duty specially enjoyed by the law of country, thereby constituting relevant and admissible evidence. Moreover, the contents of Exhibits P.4 to 8 unmistakably corroborate the identification of the plaintiff and her mother name as is 'Afifa Tabassum' and 'Almas Tabassum'. Consequently, the admissibility and relevance of Exhibits P.4 to 8 are unequivocally affirmed, as previously expounded. Given the comprehensive analysis and the evidential documentation at hand, it is incontrovertibly established that the accurate designation of the plaintiff and her mother name is 'Afifa Tabassum' and 'Almas Tabassum' in the birth certificate of plaintiff. In the pursuit of equitable resolution, it is imperative to direct the defendant to rectify the birth certificate of plaintiff by incorporating the plaintiff and her mother name therein. Hence, Issue.1 is decisively affirmed.

17. The plaintiff has instituted this suit against the defendant with the primary objective of obtaining a declaratory relief affirming in the birth certificate of plaintiff, the plaintiff name as is 'Afifa Tabassum' and mother name as is 'Almas Tabassum' along with a directive compelling the defendant to rectify the birth certificate of plaintiff accordingly. To substantiate this claim, the plaintiff has diligently furnished an array of documentary evidence, duly marked as Exhibits P.1 to P.8. In light of the defendant's absence and the consequent absence of cross-examination of PW-1, coupled with the comprehensive deliberations on issue No.1, it becomes apparent that justice necessitates the declaration that the plaintiff and her mother is indeed named is 'Afifa Tabassum' and 'Almas Tabassum' in the birth certificate of plaintiff. Consequently, the relief sought by the plaintiff in the plaint becomes justifiable. Thus, after careful consideration and analysis, issue No.2 and 3 are conclusively answered in the affirmative.

18. Further more, on perusal of plaint averments, the documents placed before this court, there is no contra evidence to disbelieve the evidence of plaintiff and contents of documents produced on record. There is consonance of facts pleaded in the pleadings with the oral and documentary evidence placed by the plaintiff. Further the plaintiff with oral as well as documentary evidence sufficiently proved.

19. The plaintiff has successfully established Issues No. 1 and 2, both of which are answered in the affirmative. The plaintiff seeks a declaration recognizing in the birth certificate of plaintiff, the

plaintiff correct name as 'Afifa Tabassum' and mother correct name as 'Almas Tabassum' in the birth certificate of plaintiff. Considering the facts and circumstances of the case, the grant of declaratory relief is deemed sufficient. Based on the relevant legal principles and this Court is of the view that the plaintiff is entitled to rectify the name in the birth Certificate of plaintiff by virtue of the decree of this Court.

20. To substantiate the claim, the plaintiff, examined as PW1, submitted her examination-in-chief through an affidavit and marked documents as Exhibits P1 to P8 Despite being afforded sufficient opportunity. In light of the defendant's absence and the consequent absence of cross-examination of PW-1, the cross-examination was recorded as 'NIL'. The plaintiff has conclusively proven their case through both oral and documentary evidence. The defendant's inaction, including filing of a written statement not elicited cogent material. It is evident that, even if the defendant has participated in the proceedings, the outcome would not have been favorable to their case. This inaction on the defendant's part further reinforces the plaintiff's claim. Accordingly, Issue No.2 and 3 are also answered in the affirmative. Based on the above findings, all issues (No.1 to 3) are held in favour of the plaintiff.

21. **ISSUE NO.4:-** In view of my reasons and findings given to issue No.1 to 3, I proceed to pass the following;

ORDER

The suit of the Plaintiff is hereby decreed.

It is hereby declared that, the correct name of the Plaintiff as 'Afifa Tabassum' and name of the plaintiff's mother as 'Almas Tabassum' and it is the correct and actual name, by granting the relief of Declaration in favour of the Plaintiff.

The Defendant are hereby directed to effect rectification of mistake of by granting the relief of declaration against the defendant, within three months from the date of this order, failure to which the plaintiff is at liberty to get it corrected through the due process of law.

There shall be no order as to cost.

Draw decree accordingly.

(Dictated to the Stenographer computerized by him, taken print out and revised and corrected by me then pronounced in the open court, this 21st day of April 2026)

(KAVYASHREE H.S)

I Addl.Civil Judge & JMFC.,
Malavalli.

: A N N E X U R E :

Witnesses examined for the plaintiff:

PW.1 : Almas Tabassum

Witnesses examined for the defendants:

-Nil-

Documents exhibited for the plaintiff:

Ex.P1,2, : Endorsements
Ex.P3 : Birth certificate
Ex.P4 : Notarized copy of SSLC marks card
Ex.P5,6 : Notarized copy of aadhar cards
Ex.P7 : Notarized copy of transfer certificate
Ex.P8 : Notarized copy of ration card

Documents exhibited for the defendants:

- Nil -

(**KAVYASHREE H.S**)
I Addl.Civil Judge & JMFC.,
Malavalli.