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C.R.P.67

Govt. of Karnataka

Form No.9 (Civil)
Title Sheet for
Judgments in Suits
(R.P.91)

TITLE SHEET FOR JUDGMENTS IN SUITS

**IN THE COURT OF THE LXXIII ADDL. CITY CIVIL &
SESSIONS JUDGE AT MAYO HALL, BENGALURU.
(CCH-74)**

P r e s e n t :

Smt. Anitha N.P., B.A.L., L.L.M.,
LXXIII Addl.City Civil & Sessions Judge, Bengaluru

Dated this the 03rd day of July, 2026.

O.S. No.26324/2025

Plaintiffs:-

Vijayalakshmi B.,
D/o: Balakrishna,
Aged about 44 years,
R/at: No.38, Mallathahalli Lake
Road, NGEF Layout, Nagarabhavi,
Bengaluru 560056.

[By Mr.Keshav Gowda L,. - Adv.]

Vs.

Defendants:-

1. The Chief Secretary,

Government of Karnataka,
Room No.320, 3rd Floor,
Vidhana Soudha,
Bangalore-560001.

2. The Secretary,
Karnataka Secondary Education
Examination Board, 6th Cross Road,
Malleshwaram,
Bangalore-560003,
3. The Director,
Department of Pre-University
Education, 18th Cross, Sampige Road,
Malleshwaram,
Bangalore-560012,
4. The Principal,
Government School Hosahalli,
9th A Main Road, Hosahalli Extension,
Stage 1, Vijayanagar,
Bangalore-560040.
5. The Principal, Ramanashree Udaya
Education Society, 14, 18th Main Road,
Marenahalli, MC Layout,
Vijayanagar,
Bangalore-560040.
6. The Registrar (Evaluation)
Bangalore University, Mysore Road,
Jnana Bharathi Campus,
Bengaluru 560056.
7. The Registrar
Indira Gandhi National Open
University, Maidan Garhi,

New Delhi-110068.

[For D1, 2 & 4, By I ADGP,
for D7, G.K.S., - Adv.]

Date of Institution of the suit	17.12.2025		
Nature of the (Suit or pro-note, suit for declaration and possession, suit for injunction, etc.)	Declaration		
Date of the commencement of recording of the Evidence.	27.03.2026		
Date on which the Judgment was pronounced.	03.07.2026		
	Year/s	Months	Days
Total duration	00	06	16

(Smt. Anitha N.P.)

LXXIII Addl. CC & SJ, M.H.Unit,
Bengaluru. (CCH-74)

J U D G M E N T

The plaintiff has filed this suit as against the defendants No.1 to 7 seeking the relief of declaration of plaintiff's name as 'Vinanti Balakrishna' from 'Vijayalakshmi B', for mandatory injunction to make corrections of her name in the academic records, for mandatory injunction to correct her date of birth as 26.04.1982 instead 26.04.1981 and for such other further reliefs.

2. Brief facts of the plaint averments are as under:-

The plaintiff has studied in various educational institutions at Bangalore and she completed her primary, secondary, Pre-university and university education. During the course of admission and issuance of marks cards, transfer certificates her name is entered as Vijayalakshmi B and her date of birth in her SSLC marks card is wrongly mentioned as 26.04.1981 instead of 26.04.1982. Her name is to be changed as Vinanti Balakrishna in the place of Vijayalakshmi B and her date of birth is to be corrected as 26.04.1982 instead of 26.04.1981. The above changes are sought solely for the purpose of marriage as she is entering to wedlock shortly.

3. According to plaintiff as per the advice and guidance of an astrologer obtained in accordance with her religious beliefs and customary practices the change of name is advised as essential and auspicious for the marriage and for her future life. The relief claimed is lawful and it will not prejudice any rights of any third party in any manner. Accordingly plaintiff has filed this suit and prays to decree the suit.

4. After receiving the suit summons the defendant No.1, 2, 4 appeared through learned First ADGP. The defendant No.1 filed written statement, defendant No.2 & 4 filed memo adopting the written statement of defendant No.1. The

defendant No.7 appeared before the court through his counsel but he has not filed written statement. The defendant No.3, 5 & 6 inspite of service of suit summons not appeared and contested the case and hence they were placed exparte.

5. Brief facts of the written statement of defendant No.1, 2 & 4 is as follows:

The suit of the plaintiff is not maintainable. The defendants cannot act to the whims and fancies of the plaintiff and they are abide by the rules and regulations followed by the department. The plaintiff is seeking change of her name as Vinanti Balakrishna instead of Vijayalakshmi B and also seeking change of her date of birth as 26.04.1982 instead of 26.04.1981 but the name and birth of the plaintiff is entered in the school records as per the particulars furnished by the parents of the student during admission and same is continued and reflected in school and educational records of students. As per the circular issued by the Commissioner of the Education Department, there is no provision to change in the plaintiff's name and date of birth in school records. There is no mistake or fault on the part of defendants. As per the rules of Education Department the particulars furnished by the parents of student, which were supported by documents will be entered in the school records during the admission to first standard and same will be continued. As per the rules to get admission for first standard the plaintiff has to complete 6 years but it is now the plaintiff

is seeking change of her name and date of birth without any reason. The suit is barred by law of limitation. Accordingly, defendants prays to dismiss the suit.

6. That to prove the case of the plaintiff she got examined herself as P.W.1 and got marked 08 documents as per Exs.P.1 to P.8 and closed her side. Defendants No 1,2,4 and 7 not lead evidence and not produced any documents and defendant 3, 5 & 6 are ex-parte.

7. Heard the arguments. Perused the pleadings, evidence, documents and available materials placed on record.

8. Based on rival pleadings the following issues are framed for consideration:-

- 1) Whether plaintiff proves her name is to be changed as Vinanti Balakrishna instead of Vijayalakshmi B?**
- 2) Whether plaintiff proves that her date of birth is 26.04.1982 and not 26.04.1981?**
- 3) Whether plaintiff is entitle for declaration and mandatory injunction as prayed for?**
- 4) Whether defendant No.1 proves that suit of the plaintiff is barred by law of limitation?**

5) Whether the plaintiff is entitle for the suit relief as prayed for?

6) What order or decree?

9. My findings to above points are as under:-

Issue No.1: ***In the Affirmative,***

Issue No.2: ***In the Negative,***

Issue No.3: ***Partly in the Affirmative,***

Issue No.4: ***In the Negative,***

Issue No.5: ***Partly in the Affirmative,***

Issue No.6: ***As per the final order,
for the following:-***

REASONS

10. Issue No.1:-

According to plaintiff during the course of her admission and also at the time of issuance of marks cards, transfer certificates and other educational records her name is entered as Vijayalakshmi B. However her name is to be changed as Vinanti Balakrishna. As per advice and guidance of an astrologer obtained in accordance with religious beliefs and customary practices, the change name is advised as essential and auspicious for marriage and for future life of plaintiff.

11. The plaintiff in order to prove her case got examined herself as PW.1 and during the course of her evidence she filed her chief examination affidavit reiterating the plaint averments on oath. She has produced and got marked 8 documents as per Ex.P1 to 8.

12. On perusal of the said documents Ex.P1 is Aadhar card, Ex.P2 is PAN card, Ex.P3 is Birth certificate issued by Birth and Death Registrar and chief officer, Municipality Badravathi, Ex.P4 is SSLC marks card of plaintiff, Ex.P5 is PUC marks card of plaintiff, Ex.P6 is provisional degree certificate, Ex.P7 is Seven degree marks cards and Ex.P8 is certificate issued by Indira Gandhi National Open University.

13. During the course of cross-examination this PW1 deposed that she is MCA graduate, she was employed earlier and presently she is not doing any job, she was working in Titan Insurance Company, she met Astrologer and they advised to get change her name. In her Birth certificate marked at Ex.P3 her name is not mentioned. However her mother has mentioned name as Vinanti, for that reason she is asking for rectification in her name. Her mother is having totally 3 daughters one son, she has not furnished her family ration card.

14. In the case on hand the plaintiff has stated that her name is to be corrected as Vinanti Balakrishna instead of Vijayalakshmi B.

15. At this stage it is necessary to go through Sec.34 of Specific Relief Act and the same is extracted below for easy reference:

34. 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:

Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so

16. From the careful consideration of the case of the plaintiff the plaintiff is seeking rectification in her name in her academic records from Vijayalakshmi B to Vinanti Balakrishna. In the case on hand the plaintiff has pleaded and deposed that as per the advice and guidance of an astrologer which is obtained in accordance with her religious beliefs and customary practices, the change of her name is advised as essential and auspicious for her marriage. The plaintiff not denied that all her education records like SSLC, PUC and Degree marks cards reflects her name as Vijayalakshmi B. Whereas the plaintiff is now seeking for rectification of her name as Vinanti Balakrishna. The Aadhar card and PAN card shows the plaintiff's name as Vijayalakshmi B. However now on the basis of advise of an astrologer for her future marital life the plaintiff is seek to change of her name. The plaintiff being citizen of India and for her marriage purpose is seeking for change of name and if same is allowed no prejudice will cause to the defendants. **Accordingly I answered Issue No.1 in the Affirmative.**

17. Issue No.2:

The plaintiff so as to establish that her date of birth is 26.04.1982 and not 26.04.1981 has mainly relied upon birth certificate marked as Ex.P3. On perusal of Ex.P3 the same is birth certificate issued by the Birth and Death Registrar of Town Municipality Badravathi. On careful perusal of the said document the same shows that on 26.04.1982 Balakrishna and Kamala got a girl child. It is very vital to note that in the said birth certificate the child name is not mentioned. The birth certificate does not identify the child by name.

18. In the cross-examination this PW1 admits that her mother is having totally 3 daughters and one son. The said admission on the part plaintiff goes to show that her parents are having totally 3 daughters and hence the birth certificate cannot be conclusively held as pertains to her. The educational records of this plaintiff i.e., Ex.P1, 2 & 4 consistently shows the date of birth of this plaintiff as 11.11.1980 and the same remains unrebutted. The burden of proving that the date of birth shown in Ex.P1,2 & 4 are incorrect is on the shoulder of the plaintiff. As per sec.101 to 103 of Indian Evidence Act. The burden of proof lies on the plaintiff to establish her case. However the plaintiff has not placed any evidence to show that the entries in the documents like Ex.P1,2 & 4 are incorrect. No doubt the defendants have not lead evidence however the same does not mean that the plaintiff has proved her case. The plaintiff

has to establish her case by placing cogent and convincing evidence.

19. The educational records of this plaintiff commencing from the earliest stage of schooling till completion of her MCA consistently shows the same particular and they remained unquestioned for several decades. There is no explanation that why she has not sought correction at the earliest point of time. That apart except the birth certificate which does not identify the child by name there is no contemporaneous records such as hospital records, school admission register or any other documents to establish that her date of birth is 26.04.1982 and not 26.04.1981.

20. The birth certificate which is a vital document does not identify the child by name and parents admittedly have 3 daughters, the court cannot presume that it necessarily relates to plaintiff. The said birth certificate in the absence of corroborative evidence cannot outweigh the consistent entries found in all educational and public records. Hence, the plaintiff failed to prove that her date of birth is not 26.04.1981 on the contrary it is 26.04.1982. **Hence, I answered Issue No.2 in the negative.**

21. Issue No.4: The defendants have taken contention that the suit is barred by law of limitation. The defendants

have not adduced any evidence in this regard. The plaintiff argued that she decided to change her name on 10.10.2025 in view of the advise of astrologer which was obtained in accordance with religious belief of plaintiff. The plaintiff as per Sec.34 of Specific Relief Act is entitle to get change her name. Accordingly the plaintiff filed this suit for declaration to change here name as Vinanti Balakrishna instead of Vijayalakshmi B. **Hence, I answered Issue No.3 in the negative.**

22. Issue No.3 & 5:

The above two issues are interlinked, in order to avoid repetition of facts the above issues have been taken up together for consideration.

23. The plaintiff failed to prove her date of birth is 26.04.1982 and not 26.04.1981. On the contrary the plaintiff has established that she is intending to correct her name as Vinanti Balakrishna instead of Viajayalakshmi B in view of her future marital life. Accordingly the plaintiff is entitled to declaration of her name as Vinanti Balakrishna instead of Viajayalakshmi B. However plaintiff is not entitled for correction of her date of birth. Accordingly, **I answered Issue No.3 partly in the affirmative and I answered issue No.5 also partly in the affirmative only in respect of correction of her name the plaintiff is entitled to suit relief.**

24. Point No.6:- In view of the reasoning given above, I proceed to pass the following:-

ORDER

The suit of the plaintiff **is hereby partly decreed.**

The name of plaintiff is declared as 'Vinanti Balakrishna' instead of Vijayalakshmi B'.

The suit of the plaintiff is dismissed in respect of correction of her date of birth.

The defendants are hereby directed to effect change of the name of plaintiff in her educational records with future effect.

Draw decree accordingly.

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(Dictated to the Stenographer, transcribed and computerized by him and after corrections pronounced by me in the open court on this the 03rd day of July, 2026)

(Smt. Anitha N.P.)

LXXIII Addl. CC & SJ, M.H.Unit,
Bengaluru. (CCH-74)

ANNEXURE

1. List of witnesses examined for the plaintiff's side:

P.W.1	Vijayalakshmi B.
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2. List of documents exhibited for the plaintiff's side:

Ex.P.1	Aadhar card,
Ex.P.2	PAN card,
Ex.P.3	Birth certificate issued by Birth and Death Registrar and chief officer Municipality Badravathi,
Ex.P.4	SSLC marks card of plaintiff
Ex.P.5	PUC marks card of plaintiff,
Ex.P.6	Provisional degree certificate,
Ex.P.7	7 degree marks cards
Ex.P.8	Certificate issued by Indira Gandhi National Open University.

3. List of witness examined for the defendant side:-

- - - Nil - - -

4. List of documents exhibited for defendant side:-

- - - Nil - - -

(Smt. Anitha N.P.)
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