

KARN220002712025



**TITLE SHEET FOR JUDGEMENT IN SUIT  
IN THE COURT OF THE ADDITIONAL CIVIL JUDGE &  
JMFC., CHANNAPATNA**

**PRESENT**

**Sri. SURESHA S.N, B.A., L.LB,**

**Addl.Civil Judge & JMFC.,  
Channapatna.**

**Dated: 13<sup>th</sup> day of March 2026**

**O.S./42/2025**

Plaintiffs : Mohammad Peer Saheb,  
S/o Sarfraz,  
Aged about 04 Years,  
  
Represented by his mother as his  
natural guardian by name  
Smt.Tahseen Bano,  
W/o Sarfraz,  
Aged about 26 years,  
R/at No.696, Abeedpura Mohalla, Village  
Channapatna Town,  
Ramanagara District.

***(Rep. by Sri.C.M.K., Advocate)***

**- V/s -**

Defendant/s: 1. Government of Karnataka,  
By its Chief Secretary,  
Vidhana Soudha,

2. Bengaluru City-560 001.  
The Registrar,  
The Birth and Death, CMC.,  
Channapatna.

**(Learned AGP For D1 and  
D2 Placed Exparte)**

<i>Date of institution of suit</i>	<i>27.01.2025</i>
<i>Nature of the suit</i>	<i>Name Declaration</i>
<i>Date of commencement Of Recording of Evidence</i>	<i>04.12.2025</i>
<i>Date of pronouncement Of Judgment</i>	<i>13.03.2026</i>
<i>TOTAL DURATION</i>	<i>Years Months Days 01 01 17</i>

**(Suresha S.N.)  
Addl. Civil Judge & JMFC.,  
Channapatna.**

**JUDGMENT**

This suit filed for relief of declaration, declaring that the plaintiff son name is **Mohammad Fawad** instead of **Mohammad Peer Saheb** in the birth certificate of her son.

2. It is the case of the plaintiff's that, the plaintiff son was born on 23.02.2022 at Balu Hospital, Channapatna Town. At the time of obtaining the birth certificate of minor son plaintiff, the name of the plaintiff has wrongly mentioned as

Mohammad Peer Saheb S/o Sarfraz instead of Mohammad Fawad S/o Sarfraz as per the advise of astrologer, the plaintiff parents intended to change their son name as Mohammad Fawad instead of Mohammad Peer Saheb for their son's future developments and education purposes. The plaintiff further submits that, after verification the plaintiff approached the defendants to rectify the same. The plaintiff filed the application to change her son name from Mohammad Peer Saheb to Mohammad Fawad in her son's birth certificate before the office of defendants on 03.12.2024. However, as per Sec.15(1) of the Births and Deaths Act, 1969, it is permissible to make amendment in letters, but not to change in full name. Therefore, if a change in the birth certificate is to be registered, and given in the birth certificate after the order of the competent authority has given, and an endorsement has been given on 06.01.2025. **Hence filed this suit.**

3. After institution of the suit, as contemplated under law, the summons came to be issued to the defendants. The defendants have failed to appear before this court, hence they have been placed *exparte*.

4. Heard the arguments of the learned counsel for the plaintiff. On the basis of the pleadings, the following points arise for consideration:

#### **POINTS FOR CONSIDERATION**

1. Whether the plaintiff proves that her son name is “**Mohammad Fawad**” and it has wrongfully mentioned as “**Mohammad Peer Saheb**” in her son birth certificate as alleged?
2. Whether the plaintiffs further prove that the defendants have failed to effect the necessary corrections in the birth certificate?
3. Whether the plaintiff is entitled to the relief of declaration and mandatory injunction against the defendants as prayed?
4. What order or decree?
5. My answer to the above points are as under:
  - Point No.1 : In the Negative
  - Point No.2 : In the Negative
  - Point No.3 : In the Negative
  - Point No.4 : As per the final order  
for the following,

#### **REASONS**

6. **POINT NO.1 TO 3**: These points are taken up together for common discussion in order to avoid repetition of facts as they involve common questions of facts and are interlinked.

7. In order to prove the case, the mother of the plaintiff examined herself as PW.1 and filed affidavit in lieu of examination in chief. In the affidavit the parents of the minor plaintiff wished to change the name of their son as Mohammad Fawad instead of Mohammad Peer Saheb in the registrar of birth and death / authorities. While entering the name of the plaintiff' son as Mohammad Fawad in the birth certificate instead of above said name it wrongly entered as Mohammad Peer Saheb. If the said name is not corrected the future education of minor plaintiff will effected. In plaintiff's son birth certificate her son name has been wrongly mentioned as "Mohammad Peer Saheb" instead of "Mohammad Fawad" due to oversight by the defendants.

8. It is further pleaded in the plaint that the plaintiff made efforts to get change of her son name in the birth certificate by approaching the defendants authorities by producing the affidavit, but the said authorities fail to change the name of the plaintiff's son and endorsed that without court directions this type of receptions cannot be undertaken by them, hence it is the question of future of the plaintiff.

9. In support of his contention, the plaintiff got marked documents at Ex.P.1 to 4, out of them Exh.P1 to P4. Exh.P1 is the Birth certificate of Minor plaintiff, Exh.P2 is the endorsement issued by the Registrar, Birth and Death, CMC., Channapatna. Exh.P3 is the Adahaar Card of mother of the minor Plaintiff. Exh.P4 is the Aadhaar Card of minor plaintiff. Wherein the name of the minor plaintiff mentioned as Mohammad Peer Saheb.

10. It is generally not possible to change the entire name on a birth certificate after it has been registered. Minor clerical errors can be corrected, but a complete name change is not permitted. Instead one must follow the standard name. While it cannot change the name entirely but can correct minor errors like misspellings. Birth certificates are considered legal records of a person's birth and identity and changing the name on it would create inconsistencies with other official records.

**Reasons for birth certificate name changes or corrections:**

- 1. Spelling mistake include incorrect spelling of the child's or parent's name.**
- 2. Errors in the birth date or location.**
- 3. Missing information includes gender, parent's name and other personal facts.**
- 4. Updating parental information making corrections or updates to the parent's information.**

11. In the present suit in hand the plaintiff seeking declaration to change the name of her son entirely stating that the said name already been named is not suitable name because the child is suffering from health issues by her name Mohammad Peer Saheb. Therefore the parent of the child went to astrologist and obtained the other name i.e., Mohammad Fawad. But the question would arise that the plaintiff belongs to Muslim in religion, the astrology belonged to the Hindu in religion but the plaintiff believe the custom and rites of the Hindu. The plaintiff produced the original birth certificate of Mohammad Peer Saheb. The birth date of the child is 20.03.2022. The plaintiff seeking the change the entire name of her son. In birth and death registration Act 1969 there is no provision to change the entire name of the person. In this

regard the Hon'ble High court of Karnataka directed to the concern authority to amend and insert the provision to change the name of the person but in this regard no amendment is made. Once the name of a child entered in the birth certificate the same shall be continue as it is in a document except the minor mistake is corrected.

12. In the above discussion the plaintiff is not entitled to change his name. With these observations, this Court has **answered Point No.1 to 3 in the Negative.**

13. **Point No.4:** For the aforesaid discussion on Point No.1 to 3, this Court proceeds to pass the following:

**ORDER**

The suit of the Plaintiff is hereby

**dismissed** without cost.

Draw decree accordingly.

(Dictated to the stenographer in the open Court and transcribed by her, script revised, corrected and then pronounced by me in the open Court on this the **13<sup>th</sup> day of March-2026**)

**(Suresha S.N.)  
Addl. Civil Judge & JMFC.,  
Channapatna.**

**ANNEXURE****The witnesses examined on behalf of Plaintiff/s:**

PW1 : Smt.Tahseen Bano

**The documents marked on behalf of Plaintiff/s:**

Ex.P1 : Birth Certificate of plaintiff's son / minor plaintiff

Ex.P2 : Endorsement issued by the Registrar,  
Birth and Death, CMC., Channapatna

Ex.P3 : Adhar Card of plaintiff

Ex.P4 : Adhar Card of plaintiff's son / minor plaintiff

**The witnesses examined on behalf of defendants:**

- NIL -

**The documents marked on behalf of defendants:**

- NIL -

(Suresha S.N.)  
Addl. Civil Judge & JMFC.,  
Channapatna.

**Judgment pronounced in open court**

**(Vide Separate Order sheet)**

**O R D E R**

The suit of the Plaintiff is hereby  
**dismissed.**

Draw decree accordingly.

**Addl. Civil Judge & JMFC.,  
Channapatna.**