



**IN THE COURT OF III ADDL. CIVIL JUDGE AND
JMFC, KANAKAPURA, AT: KANAKAPURA.**

**PRESENT: SHRI. RAVIPRAKASH T. AVIN,
B.B.A., LL.M.**

**III ADDL. CIVIL JUDGE AND JMFC,
KANAKAPURA.**

ORIGINAL SUIT No.263/2025

DATED ON THIS THE 28th DAY OF MARCH-2026

PLAINTIFF:

Sri Siddegowda,
S/o. Late Siddegowda,
Aged about 74 years,
R/at: Yadavanahalli Village,
Maralavadi Hobli,
Harohalli Taluk,
Ramanagara District.
(Bengaluru South District)

[By Sri.S.R.S, Advocate]

V/s

DEFENDANT:

1. Govt. of Karnataka,
Represented by its Chief Secretary,
Vidhana Soudha,
Dr. Ambedkar Veedhi,
Bengaluru-560 001.



2. The Tahasildar,
Office of the Tahasildar,
Harohalli Taluk,
Ramanagara District.
(Bengaluru South District)

[Proceedings against D-1 &2 are Exparte]

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Date of Institution of the Suit : 10.07.2025

Nature of the suit : For Declaration

Date of the commencement of
recording of the evidence : 18.12.2025

Date on which the Judgment
was pronounced : 28.03.2026

Total Duration : Year/s Month/s Day/s
00 08 18

PRESIDING OFFICER

J U D G M E N T

The Plaintiff has filed this suit for declaration to declare that his correct name is “Siddegowda” and not “Kenchaiah” in various records such as revenue records like mutation register extracts, Aadhaar card, Election ID



Card, PAN card, RTC extracts, patta and receipt book maintained by 2nd Defendant and authorities of 1st Defendant.

2. The brief facts of the case of the Plaintiff are as under:

That the correct name of the Plaintiff is Siddegowda however due to inadvertence the name of the Plaintiff is entered as Kenchaiah in the above said documents while his correct name is reflected as Siddegowda in his study certificate, ration card, transfer certificate of his son, aadhar card of his son and wife. The Plaintiff sought the Defendants to correct his name vide legal notice dated: 10.06.2025, the Defendants have neither corrected the name nor issued reply. Therefore, the Plaintiff has filed this suit.

3. Upon service of summons, the Defendants have remained absent and therefore, the proceedings against the Defendants are exparte. Thereafter the case was posted for the Plaintiff's evidence.

4. The Plaintiff in support of his case got examined himself as P.W.1 by filing affidavit in lieu of examination-



in-chief and got marked Ex.P1 to Ex.P16 and closed his side of evidence.

5. Heard learned counsel for the Plaintiff.

6. On perusal of the material on record the following points arise for consideration:

1. Whether the Plaintiff proves that his correct name is “Siddegowda” and not “Kenchaiiah”?
2. Whether the suit for bare declaration is maintainable in view of Section 34 of the Specific Relief Act?
3. Whether the suit is bad for non-joinder of necessary parties?
4. Whether this Court has jurisdiction to grant the relief sought?
5. Whether the Plaintiff is entitled for the relief?
6. What order?

7. On careful consideration of material on record the above points are answered as under ;

Point No.1 : In the Affirmative

Point No.2 : In the Negative

Point No.3 : In the Affirmative



Point No.4 : In the Negative

Point No.5 : In the Negative

**Point No.6 : As per final order
for the following;**

REASONS

8. **Point No. 1:** Before discussing the facts on merits it is necessary to state the law regarding suit for declaration. In a suit for declaration there is heavy burden on the Plaintiff to establish his case based on documentary evidence and the Plaintiff cannot rely on the weakness of the Defendants. Keeping this in mind this court has to evaluate the evidence on record.

9. PW1 in his examination has reiterated the averments made in the plaint.

10. On perusal of the Ex.P1 study certificate, Ex.P2 ration card of the Plaintiff, Ex.P3 Aadhaar card of the wife of the Plaintiff, Ex.P4 and Ex.P5 the study certificate and Aadhaar card of the son of the Plaintiff, respectively, it is clear that his name is stated as 'Siddegowda', which is the correct name of the Plaintiff as per the Plaintiff.



11. On perusal of Ex.P5 Aadhaar card, Ex.P7 PAN card, Ex.P8 Voter ID of the Plaintiff and EX.P9 to 11 RTCs the name of the Plaintiff is mentioned as Kenchaiah, which is the incorrect name of the Plaintiff as per the Plaintiff.

12. It is well settled that a person has got right to get his name changed. It is not that the Plaintiff has been using several names to hide his real identity and is using different names for criminal activities. It is a fundamental right of a person to keep a name or change a name and the same is vested in every citizen by virtue of Section 34 of Specific Relief Act read with Article 19 (1)(a) and Article 21 of the Constitution of India.

13. There is absolutely no resistance by the Defendants as they have failed to appear before the court despite service of notice.

14. It is held in the case of *Dorasanamma v/s The State of Karnataka* in **RFA No.284/2014** decided on 02.09.2016 that name is a legal character relating to existence of a person attached to his / her personality.

15. In the case of *Bhoop Singh Vs. Tarif Singh* reported **AIR 1952 All 352** it was held that the term legal character and right to ask any property were used in



Section 42 of old Specific Relief Act disjunctively and not conjunctively so as to entitle the Plaintiff to a declaration on the exclusive basis of either the one or the other the word 'legal' before the word 'character' signifies the status in society of a person seeking declaration.

16. In cases like the case on hand one cannot expect voluminous records. Ex.P4 transfer certificate of the son of the Plaintiff is dated 19.12.1998 and Ex.P1 study certificate of the Plaintiff though issued on 10.08.2020, it appears the same is issued as per the records when the Plaintiff left the school on 15.07.1963, these documents predate the Aadhaar card, PAN card and Voter ID of the Plaintiff. Therefore these documents assume primacy in this case. Though the discrepancy in the above said record is not satisfactorily explained, however based on the said documents this court has no hesitation to hold that the correct name of the Plaintiff is **'Siddegowda S/o Siddegowda'**. Therefore the Plaintiff has proved Point No. 1 by discharging burden cast upon him. Accordingly, this court answers **Point No.1 in the "Affirmative"**.

17. **Point No. 2:** The Plaintiff has sought only a bare declaration. It is evident from the plaint and evidence that the real grievance of the Plaintiff is the existence of



his name as “Kenchaiyah” in Revenue records, Aadhaar card, PAN card and Voter ID.

18. The Plaintiff’s ultimate object is correction of these records. A mere declaration of name, without consequential relief, would not result in correction of the said records. The Plaintiff was capable of seeking further relief such as appropriate directions or injunctions against the concerned authorities.

19. In spite of the same, the plaintiff has omitted to seek such consequential relief. In view of the proviso to Section 34 of the Specific Relief Act, a suit for mere declaration without seeking further relief, when such relief is available, is not maintainable. Accordingly, **Point No.2 is answered in the Negative.**

20. **Point No. 3:** The Plaintiff seeks declaration in respect of entries found in Aadhaar records, PAN records and Voter ID records.

21. The authorities responsible for maintaining these records are Aadhaar authority (UIDAI), Income Tax Department and Election Commission.



22. No relief affecting such records can be granted in the absence of these authorities, as any decree passed would not bind them. Therefore, these authorities are necessary parties to the suit. The suit is bad for non-joinder of necessary parties. Accordingly, **Point No.3 is answered in the Affirmative.**

23. **Point No. 4:** This Court is competent to declare civil rights of parties. However, it cannot directly order mutation or correction of revenue entries, which fall within the jurisdiction of revenue authorities. Nevertheless, a declaratory decree, if properly sought, can form the basis for action by such authorities. In the present case, the relief is not properly structured to enable such limited declaration. Accordingly, **Point No.4 is answered in the Negative.**

24. **Point No. 5:** The Plaintiff has proved that his correct name is Siddegowda S/o Siddegowda however the Plaintiff has failed to seek consequential relief despite being able to do so, failed to implead necessary parties and sought relief which this Court cannot directly grant. Even in proceedings which are ex parte, this Court is bound to examine the legal sustainability of the claim. A



decree cannot be granted contrary to substantive law. Therefore the Plaintiff is not entitled for the relief sought for. Accordingly, **Point No.5 is answered in the Negative.**

25. **Point No.6:** In view of the above discussions, this court proceeds to pass the following;

ORDER

The suit of the Plaintiff is hereby dismissed.

In view of the nature of the suit, facts and circumstances of the case costs are made are easy.

Draw decree accordingly.

(Dictated to the stenographer on computer, corrected and then pronounced by me in open court on this **28th day of March- 2026**).

(Raviprakash T. Avin)
III Addl. Civil Judge and JMFC,
Kanakapura.

ANNEXURE

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

P.W.1 : Siddegowda



2. List of documents marked on behalf of plaintiff:

- Ex.P.1 : Study Certificate
Ex.P2 : Ration Card
Ex.P3 : Aadhaar card of Wife of the
Plaintiff
Ex.P4 : Transfer Certificate of Son of the
Plaintiff
Ex.P5 : Aadhaar card of Son of the
Plaintiff
Ex.P6 : Aadhaar of Plaintiff
Ex.P7 : PAN Card
Ex.P8 : Voter ID Card
Ex.P9 to 11 : RTC
Ex.P.12 : Legal Notice
Ex.P13 &14 : Postal Receipts
Ex.P15 &16 : Postal Acknowledgment

**3. List of witnesses examined and documents marked
on behalf of Defendants:**

-- Nil ---

(Raviprakash T. Avin)

***III Addl. Civil Judge and JMFC,
Kanakapura.***