



IN THE COURT OF THE ADDL.CIVIL JUDGE & JMFC.,
SIRA

Present: **SHARMILA E.J.**, BA LL.B., LL.M.,
 Addl. Civil Judge & JMFC., Sira.

Dated this the 1st day of June 2026

ORIGINAL SUIT No.280/2025

Plaintiffs:	1.	Sri.Basavaraju S/o Horakerappa, Aged about 47 years, R/o Dasudi Village, Chikkanayakanahalli Taluk, Tumakur District.
	2.	Smt.Mamatha W/o Basavaraju, Aged about 44 years, R/o Dasudi Village, Hulyar Hobli, Chikkanayakanahalli Taluk, Tumakur District.
		(By Sri.S.A., Advocate)

-V/S-

Defendant:		The Commissioner, City Municipal Council, Sira.
		(Exparte)

Date of Institution of the suit	:	16.06.2025
Nature of the suit	:	Declaration



Date of commencement of recording of evidence	:	18.02.2026		
Date on which the judgment was pronounced	:	01.06.2026		
Total duration	:	Year/s	Month/s	Day/s
		00	11	15

J U D G M E N T

This suit is filed by the plaintiff seeking a decree of declaration and consequential relief of mandatory injunction against the defendant.

2. Brief averments made in the plaint are summarized as under:

The plaintiff states that his son was born on 27.01.2009 at Government General Hospital, Sira, and the defendant issued a birth certificate dated 03.02.2009. However, in the said birth certificate, the name of the plaintiff's son has been entered as "Narasimharmurthy B" instead of his correct name "Prajwal B," which is reflected in all other records and documents. It is further contended that the plaintiff approached the defendant by submitting an application requesting correction of the name in the birth certificate. In response, the defendant issued an endorsement dated 25.02.2025 directing the plaintiff to obtain an order from the



Court for effecting such correction. Hence, the plaintiff has filed the present suit.

3. Upon service of summons, the defendant remained absent and was placed ex parte. Consequently, the matter was posted for plaintiff's evidence.

4. In order to establish his claim, the plaintiff examined himself as PW-1. He filed his affidavit in lieu of examination-in-chief and got marked documents as Ex.P-1 to P-5. Thereafter, the plaintiff closed his side of evidence.

5. Heard the arguments advanced by the learned counsel appearing for the plaintiff and perused the plaint and the documents marked on record. On the basis of the pleadings and the material on record, the following points arise for the consideration of this Court:

1. Whether the plaintiff proves that the name of his son is "Prajwal B" and not "Narasimharmurthy B" as wrongly entered in the birth certificate?
2. Whether the plaintiff is entitled to the reliefs sought in the plaint?
3. What order or decree?



6. On careful examination of the entire evidence placed on record, this Court answers the aforementioned points as hereunder;

Point No.1:- *In the Affirmative*

Point No.2:- *In the Affirmative*

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

REASONS

7. **Point No.1:-** The plaintiff has sought a declaration that the correct name of his son is "Prajwal B" and not "Narasimharmurthy B" as mentioned in the birth certificate. In order to substantiate his claim, the plaintiff has examined himself as PW-1 and has reiterated the averments made in the plaint. He has also produced documentary evidence marked as Ex.P-1 to P-5. PW-1 has deposed that at the time of registration of the birth of his son, the name was furnished as "Narasimharmurthy B," which came to be entered in the Birth Register and Birth Certificate. He has further stated that subsequently, the correct name of his son is "Prajwal B," which is reflected in all other records, and accordingly a request was made to the defendant authority for rectification of the name in the birth certificate.



8. In support of his evidence, PW-1 has produced Ex.P-1, which is the endorsement issued by the defendant authority stating that correction of name can be effected only on the basis of a court decree. Ex.P-2 is the online copy of the Birth Certificate of “Narasimharmurthy B.” Ex.P-3 is the school admission extract of “Prajwal B.” Ex.P-4 and Ex.P-5 are the Aadhaar Cards of the plaintiff and his wife, respectively.

9. These documents clearly establish that, except in the birth certificate, the name of the plaintiff's son is recorded as “Prajwal B” in the school records. Ex.P-3, being maintained in the ordinary course of business, carry significant evidentiary value. The Aadhaar Cards of the plaintiff and his wife further corroborate the identity and parentage of the child. It is pertinent to note that the names of the parents as mentioned in the birth certificate and the school admission extract are one and the same. This clearly establishes the identity of the child. The consistency in the parentage further corroborates the case of the plaintiff that “Narasimharmurthy B” and “Prajwal B” refer to one and the same person. It is also relevant to note that Ex.P-1, the endorsement issued by the defendant authority, indicates that the correction sought by the plaintiff requires an order of this Court. This substantiates the plaintiff's case that he has approached the



appropriate authority and has been constrained to file the present suit.

10. The oral and documentary evidence placed on record remains unchallenged, as the defendant has remained ex parte. There is no material on record to disbelieve the version of PW-1 or to show that the change of name sought is fraudulent, impermissible, or contrary to law.

11. At this stage it is incumbent to rely on the decision of *Karnataka High Court Smt.Dorasanamma V. State of Karnataka (2017) 6 KLJ 670* wherein the Hon'ble High Court of Karnataka has observed "that the name can be changed according to the wish of the candidate and held that the question of dismissing the suit for change of name when due procedure is followed is contrary to law". In the present suit, the plaintiff's son is a minor child, and the rectification sought is intended to avoid future discrepancies in his educational and other official records. Further, no material contrary to the pleadings or evidence of the plaintiff has been placed on record by the defendant. In such circumstances, this Court is of the considered view that no harm or prejudice would be caused to the defendant if the rectification sought is permitted to be carried out in the Birth



Certificate. Accordingly, this court answers **Point No.1 in the Affirmative.**

12. Point No.2: The present suit is filed seeking the reliefs of declaration and mandatory injunction, placing reliance on Sections 34 and 39 of the Specific Relief Act, 1963. Section 34 of the Specific Relief Act, 1963 empowers the Court to grant a declaration of legal status or right to any person entitled thereto, while Section 39 provides for grant of a mandatory injunction to prevent the breach of an obligation and to compel the performance of certain acts necessary to enforce such right. A party seeking reliefs of this nature is required to establish, by cogent oral and documentary evidence, that he or she is entitled to such reliefs.

13. In the present suit, the plaintiff has adduced cogent evidence and has discharged the burden of proof cast upon him. Consequently, the plaintiff is entitled to the reliefs sought in the plaint. At this juncture, it is pertinent to place reliance on the judgment of the Hon'ble High Court of Karnataka in *Sri. Ramchandra and others Vs. Sri. Shivaram and others*, (2008) 07 KAR CK 0049 wherein, at paragraph No.128, it has been held that “Once the courts below have upheld the claim of the plaintiffs and held that they are



entitled to the declaration as sought by them, it goes without saying that from the very nature of the declaration sought by the plaintiffs, they are also entitled for the consequential relief. Mere declaration of title of the plaintiffs as sought by them will not be effective in ensuring that the plaintiffs are able to perform their duties pursuant to the declaration granted in their favour, unless they also seek the consequential relief which will go to make the other prayers for declaration, effective in pith and substance”.

14. Applying the above principle to the facts of the present suit, it is evident that granting a declaration of the correct name of the plaintiff's son, without directing rectification in the Birth Certificate, would render the declaration ineffective. Therefore, the relief of mandatory injunction is necessary to give full effect to the declaratory relief. Accordingly, this Court holds that the plaintiff is entitled to both the reliefs of declaration and mandatory injunction as prayed for in the plaint. **Accordingly, this court answers Point No.2 in the Affirmative.**

15. Point No.3: For the aforesaid reasons and discussions, this Court proceeds to pass the following;



O R D E R

The suit of the plaintiff is hereby decreed.

It is hereby declared that the correct name of the plaintiff's son is "Prajwal B S/o Basavaraju" and not "Narasimharmurthy B S/o Basavaraju" as mentioned in the birth certificate.

The defendant is hereby directed, to rectify and correct the name of the plaintiff's son from "Narasimharmurthy B" to "Prajwal B" in the Birth Register and in the Birth Certificate of the plaintiff's son issued, as per the above order.

In the circumstances of the case, there shall be no order as to costs.

Draw decree accordingly.

(Dictation given to the Stenographer, transcribed and computerized by him, and then corrected by me and pronounced in the open court on this the 1st day of **June 2026**).

Sd/-
(Sharmila E.J.)
Addl Civil Judge & JMFC.,
Sira.

**ANNEXURE****List of witnesses examined on behalf of the plaintiffs:**

PW-1	Sri.Basavaraju
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List of documents marked on behalf of the Plaintiffs:

Ex.P-1	Endorsement
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Ex.P-2	Birth certificate
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Ex.P-3	School admission certificate
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Ex.P-4 and Ex.P-5	Notarized copy of Aadhar cards
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List of witnesses examined and documents marked on behalf of the defendants :

-Nil-

sd/-
**Addl Civil Judge & JMFC.,
Sira.**