

KAUK410015932024



Presented on : 14-11-2024
Registered on : 14-11-2024
Decided on : 03-08-2026
Duration : 1 years, 8 months, 19 days

**IN THE COURT OF CIVIL JUDGE AND JMFC COURT,
DANDELI AT: DANDELI, UTTARA KANNADA**

**Presided Over by TEJASHWINI SOGALAD B.COM. LL.M
Civil Judge and JMFC.,
Dandeli.**

Dated This The 03rd Day of AUGUST, 2026

O.S.No.259/2024

PLAINTIFF: Smt. Sujata D/o Ravidas Harijan,
Age: 28 years, Occ: Assistant Engineer,
in Public Works Department,
R/o: #296/2, Peeranwadi, Post: Joida,
Uttara Kannada, now residing at: #47,
Harihara Sadan, Behin CNM School,
CNM Layout, 2nd Cross, Near J.P. Nagar,
Mahadevpura, Mysore-570008.

(By Smt. SCK., Advocate)

-Vs-

DEFENDANTS:

- 1) Chief Engineer,
Near K.R. Circle,
C&B South Bengaluru -560001
- 2) Chief Engineer,



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National Highways,
Near K.R. Circle, Bengaluru – 560001

- 3) Superintending Engineer,
Near K.R. Circle, National Highway Circle
Bengaluru – 560001
- 4) Executive Engineer,
National Highway Division, PWD Building,
Near N.R. Circle Hassan – 573201
- 5) The Deputy Commissioner,
D.C. Office, B M Road,
Hassan, Karnataka – 573201
- 6) The Deputy Commissioner,
R46H+J48, Rabindranath Tagore
Beach Entrance of, Kodibag,
Karwar, Karnataka 581301.
- 7) The Secretary,
Govt. Public Works Dept.
Room No.334, 3rd Floor, Vikasa Soudha,
Bangalore- 560 001.

(Deft. No.1 to 7 by Sri A.G.P., Advocate)

Date of institution of the suit	04-11-2024
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Nature of the suit	Suit for Declaration of Name Correction
Date of commencement of recording of evidence	07-01-2026
Date on which the Judgment was Pronounced	03-08-2026
Total duration	Year/s month/s Day/s 01 08 19

(Tejaswini Sogalad)
Civil Judge and JMFC.,
Dandeli

JUDGMENT

The Plaintiff has filed the present suit for the relief of declaration that Plaintiff is called with both names i.e. “Smt. Sujata D/o. Ravidas Harijan” and “Smt. Sujata W/o. Mohan. In other words, both names “Smt. Sujata D/o. Ravidas Harijan” and “Smt. Sujata W/o. Mohan are referring plaintiff alone.

2. **The Plaintiffs’ suit in brief:** It is the case of the plaintiff that the plaintiff by name Smt. Sujata D/o. Ravidas Harijan, currently designated as Assistant Engineer in the National Highways Department, Hassan Division, Karnataka, was



appointed through the Karnataka Public Service Commission and is presently serving in said capacity. The Defendant-Chief Engineer of the Public Works Department (PWD), National Highways Division, located in Bengaluru, Karnataka, overseeing all official matters and records of the PWD employees under the department's jurisdiction.

2.2 It is further pleaded that the plaintiff's maiden name is Sujata D/o. Ravidas Harijan. The plaintiff's marriage is solemnized with one Mr. Mohan M, after her marriage, the plaintiff's name is changed to Smt. Sujata W/o. Mohan. This change was duly registered and recognized by the Sub-Registrar's office at Mysore, Karnataka bearing Marriage Registration No. MYS-HM375-2017-18, Dated: 09.06.2017. Following the Plaintiff's name change post-marriage, the Plaintiff submitted an application dated: 27.03.2024 seeking formal request to the Defendant office for change of maiden name i.e. "Sujata D/o. Ravidas Harijan" to present name "Smt. Sujata W/o. Mohan", in all her service records and documents. The Defendants have communicated through letter dated: 30.07.2024 that despite the Plaintiff's submission of all requisite documents, suggested to obtain



order from the Court for amending the Plaintiff's name from "Smt. Sujata D/o. Ravidas Harijan" to "Smt. Sujata W/o. Mohan" in all her official records. Therefore, having left with no other option the plaintiff has filed the present suit for above mentioned reliefs.

3. In pursuance of service of summons, the defendants appeared through learned AGP before this Court, but they have failed to file written statement. Hence, written statement of defendants is taken as Nil.
4. In order to prove her case, the plaintiff got examined herself as P.W.1 and produced 7 documents at Ex.P-1 to Ex.P-7 in her favour.
5. Heard arguments and perused materials on records.
6. The following points arise for my consideration:-

ISSUES

- i. *Whether plaintiff proves that, her name is "Smt. Sujata W/o Mohan" instead of "Smt. Sujata D/o Ravidas Harijan"?*
 - ii. *Whether the plaintiff is entitled for relief as sought for ?*
 - iii. *What order or decree ?*
7. On perusal of records, my answers to the aforementioned Points are as under:



Issue No. i : In the Affirmative

Issue No. ii : In the Affirmative

Issue No. iii : As per the final order,
for the following:

REASONS

8. Issue No.i and ii: As these issues are interlinked with each other, they are taken up together for common consideration to avoid repetition of facts.

8.2 The Plaintiff has got herself examined as PW.1 and reiterated the averments made in the plaint. It is the case of the plaintiff that the plaintiff by name Smt. Sujata D/o. Ravidas Harijan, currently designated as Assistant Engineer in the National Highways Department, Hassan Division, Karnataka, was appointed through the Karnataka Public Service Commission and is presently serving in said capacity. The Defendant-Chief Engineer of the Public Works Department (PWD), National Highways Division, located in Bengaluru, Karnataka, overseeing all official matters and records of the PWD employees under the department's jurisdiction.

8.3 It is further pleaded that the plaintiff's maiden name is Sujata D/o. Ravidas Harijan. The plaintiff's marriage is



solemnized with one Mr. Mohan M, after her marriage, the plaintiff's name is changed to Smt. Sujata W/o. Mohan. This change was duly registered and recognized by the Sub-Registrar's office at Mysore, Karnataka bearing Marriage Registration No. MYS-HM375-2017-18, Dated: 09.06.2017. Following the Plaintiff's name change post-marriage, the Plaintiff submitted an application dated: 27.03.2024 seeking formal request to the Defendant office for change of maiden name i.e. "Sujata D/o. Ravidas Harijan" to present name "Smt. Sujata W/o. Mohan", in all her service records and documents. The Defendants have communicated through letter dated: 30.07.2024 that despite the Plaintiff's submission of all requisite documents, suggested to obtain order from the Court for amending the Plaintiff's name from "Smt. Sujata D/o. Ravidas Harijan" to "Smt. Sujata W/o. Mohan" in all her official records. Therefore, having left with no other option the plaintiff has filed the present suit for above mentioned reliefs.

8.4 Now let me to examine the documents submitted by the plaintiff to determine the viability of the current suit. In this context, PW-1 has presented Exhibit P.1, which is the



certificate of registration of Hindu Marriage issued by Registrar of Hindu Marriage, Mysore South, bearing No.MYS-HM-375-2017-18 dated 09-06-2017. **Ex.P.2** is the notarized copy of Aadhaar card of the plaintiff. **Ex.P.3** is the notarized copy of the Aadhaar card of the husband of the plaintiff. **Ex.P-4 and P.5** are the Paper publication published in 'Prakash Mana' and 'Vijayavani' daily newspapers. **Ex.P.6** is the copy of the Endorsement. **Ex.P.7** is the Copy of correspondence dated 30-07-2024.

8.5 In the cross examination of PW-1, has deposed in corroboration to his plaint pleadings and his examination in chief nothing worthwhile is elicited from his mouth by L/AGP.

8.6 Chapter VI of the Specific Relief Act 1963 provides for Declaratory Decrees under Section 34 of the Act and is the present law which governs declaratory reliefs in India. It reads:

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.

Explanation: A trustee of property is a "person interested to deny" a title adverse to the title of someone who is not in existence, and for whom, if in existence, he would be a trustee.

8.7 In a welfare state, there is a possibility of casting a cloud upon the legal character or right of the citizens by the actions of administration. In such cases, the Section enables a person to have his right or legal character declared by a Court of law and thus get rid of the cloud from the legal character or right. The declaratory relief under Section 34 of the Specific Relief Act, 1963 is in the nature of equitable relief for granting of an already existing right which has been denied by the other party.

8.8 Section 34 of the Specific Relief Act, 1963 contemplates certain conditions which are to be fulfilled by plaintiff. In



order to obtain the relief of declaration the plaintiff must establish that

- (i) the plaintiff was at the time of the suit entitled to any legal character or any right to any property
- (ii) the defendant had denied or was interested in denying the character or the title of the plaintiff
- (iii) the declaration asked for was a declaration that the plaintiff was entitled to a legal character or to a right to property.

8.9 In the present suit the plaintiff is seeking correction of her name in her service records and other documents which is necessary for identification of her legal identity and character after her marriage. The denial of defendants is forthcoming from the records furnished by plaintiff wherein plaintiff was asked to bring Court Decree for rectification of her name. The plaintiff has proved all above requisites of Sec.34 of Specific Relief Act, which entitles her to the relief sought.

8.10 Further, on perusal of entire documents on record, it is clearly forthcoming that, all other Government documents show that plaintiff is called with both names i.e. one is



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maiden name before marriage and one is after her marriage. However, on careful perusal of entire documents on record, it is clearly forthcoming that the plaintiff has produced sufficient cogent and corroborative documentary evidence to prove her suit. It is also important to note here that, though the defendants appeared before this Court through learned AGP, but they have failed to file written statement and they have not led any evidence on their behalf. However, it is clearly forthcoming that the plaintiff is identified with both names.

8.11 The plaintiff established her case by producing the relevant and cogent evidence. To disprove the case of plaintiff, the defendants have not filed written statement and also not entered into the witness box. The evidence of P.W.1 and documentary evidence relied by the plaintiff are not doubtful. There is no contrary evidence on records which creates serious doubt about the evidence brought in by plaintiff. Further by considering the facts and circumstances of the case, if the Court denies the relief to the plaintiff, she will be put to greater hardship for no fault of plaintiff and she may face several problems in her service for the mistake



of others. The plaintiff has been effectively discharged the burden of proving her case by adducing cogent, corroborative, oral and documentary evidence. Therefore, the plaintiff has proved the case. Therefore, without any doubt, I am of the opinion that, the plaintiff is entitled for the relief sought for. Accordingly, I answer **Point No.i and ii in the AFFIRMATIVE.**

9. **Issue No.iii:** For the aforesaid reasons, I pass the following:

ORDER

The suit of the Plaintiff is hereby
DECREED.

Consequently, it is hereby declared that Plaintiff is called with both names “Smt. Sujata D/o. Ravidas Harijan” and “Smt. Sujata W/o. Mohan. In other words, both names “Smt. Sujata D/o. Ravidas Harijan” and “Smt. Sujata W/o. Mohan are referring plaintiff alone.

Further, the Defendant-authorities are hereby directed to cause necessary entries in the register maintained by them and in all

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service records and other documents

accordingly as per this order of declaration.

Draw decree accordingly.

(Typed by me directly on computer, printout taken by stenographer, and then Judgment corrected and pronounced by me in open Court on this 03rd day of AUGUST, 2026).

(Tejashwini Sogalad)
Civil Judge & J.M.F.C.
Dandeli.

: ANNEXURE :**List of witness examined on behalf of the Plaintiffs :****P.W.1** : Smt. Sujata D/o Ravidas Harijan**List of documents exhibited on behalf of the Plaintiffs :****Ex.P-1** : Marriage Registration Certificate**Ex.P-2 and P.3** : Notarized copies of Aadhaar Cards of plaintiff and her husband respectively.**Ex.P-4 and P.5** : Paper publications**Ex.P-6** : Copy of Endorsement**Ex.P-7** : Copy of correspondence dated 30-07-2024.**List of witness examined on behalf of the Defendant:**

- Nil -

List of documents exhibited on behalf of the Defendant:

- Nil -

(Tejashwini Sogalad)
Civil Judge & J.M.F.C.
Dandeli.

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(Judgment pronounced in the open
court vide separate order)

ORDER

*The suit of the plaintiffs is
hereby DECREED.*

*Consequently, it is declared that
the correct name of Plaintiff No.1 is
“Shekhar Bhojaraja Naydu” and
that of Plaintiff No.2 is “Basavva
Bhojaraja Naydu”, and correct name
of father of Plaintiff No.1 is
“Bhojaraja Kumar Naydu”.*

*Consequently, the Defendants
shall correct the name of the
Plaintiff No.1 and of his parents in
respective columns of his birth
certificate within 3 months from
date of the decree.*

No order as to costs.

Draw decree accordingly.

Civil Judge & JMFC Dandeli