



**IN THE COURT OF THE III ADDITIONAL CIVIL
JUDGE & JMFC, AT KUNDAPURA**

PRESENT:- **Sri. MANIKANTA M.S.,** B.Sc., LL.B.,
III Addl. Civil Judge & JMFC,
Kundapura.

Dated this the 25th day of July 2026

O.S. No.149/2025

Plaintiff/s

- :1. Sri Sudhakar,
S/o Nagayya,
Aged 53 years,
2. Sri Sujan Shetty,
S/o Sudhakar,
Aged about 19 year,
Both are R/o
No.58/19/11, Patil Galli,
Yallapura Oni, Hubli-
Darwada District.
580020.

(By Smt. M.J. Adv.)

V/s

Defendant/s

- :1. The Register of Birth and Death
Rep. By the Chief Officer,
TMC, Kundapura.
2. The State, R/by Deputy



Commissioner Manipal,
Rajathadri, Udupi District.

(D1-Exparte, D2-By AGP)

Date of institution of the suit	02-07-2025		
Nature of the suit	Declaration		
Date of commencement of recording of evidence	05-02-2026		
Date on which the Judgment was pronounced	25-07-2026		
Total duration of the suit	Year/s	Month/s	Day/s
	01	00	23

:: J U D G M E N T ::

The instant suit has been filed by the plaintiffs against the defendants for the relief of declaration, declaring that plaintiff No.1's name is Sudhakara instead of Sudhakar Shetty and plaintiff No.2's name is Sujana Shetty instead of Tejas.

2. The brief facts of case of the the plaintiff are that ;

The plaintiff No.2 was born on 06-09-2006 at Vinaya Hospital Kundapura Taluk Udupi District



through one Sudhakar and Jayanthi. The father of plaintiff has obtained the birth certificate of plaintiff from the defendant office, but in the birth certificate, instead of mentioning 'Sujan Shetty' S/o Sudhakar, it was wrongly mentioned as 'Tejas' S/o Sudhakar Shetty. Hence, the plaintiffs have approached the defendant's office for rectification of the said mistake and also left with no alternative the plaintiffs have got issued a legal notice dated 15-04-2025 to defendant No.1 and 2 as provided U/S 80 of CPC 1908 requesting the defendants to rectify the above said mistakes in the register and also notice was duly served. In spite of said notice the defendant No.1 they have given endorsement on 21-02-2025 by stating that they have no power to amend the name of plaintiffs No.1 and 2 in the birth certificate of plaintiff No.2 and the same was constrained the plaintiffs to file this suit.

3. In response to the suit summons, the defendant No.2 has appeared through learned AGP, but they did not choose to file any written statement.



But inspite of service of the summons, the defendant No.1 did not choose to appear before this court. Hence, they placed Ex-parte and the matter was posted for plaintiff's evidence.

4. In order to substantiate their case, the plaintiff No.1 and 2 got examined themselves as PW-1 and 2 and got produced the documents at Ex.P-1 to P-8 and closed their side. Since the defendant No.1 placed exparte and defendant No.2 does not choose file any written statement, hence cross examination of PW1 and defendant evidence was taken as nil and matter was posted for arguments.

5. Heard arguments on plaintiff's counsel and perused the materials on records.

6. The points that arise for consideration are as under:-

1. *Whether the plaintiffs are entitled for the relief sought for ?*

2. *What Order or Decree?*



7. On perusal of materials on record, this court answered the above points are as under :-

Point No.1 : ***In the Affirmative***

Point No.2 : As per final order

for the following :-

:: REASONS ::

8. Point No. 1 :- As stated supra, the specific case of the plaintiff No.1 and 2 that, the plaintiff No.2, his name is Sujan Shetty S/o Sudhakar, but in his birth certificate his name was wrongly mentioned as 'Tejas' S/o Sudhakar Shetty. Though the plaintiff No.1 and 2 have requested the defendants to rectify the said mistake, they have replied that they have no power to rectify the said mistake, hence the plaintiffs have knocked the doors of justice.

9. In order to substantiate their case, the plaintiffs have stepped into the witness box and got examined themselves as PW-1 and 2. In lieu of their examination-in-chief, they filed affidavit by reiterating the plaint averments and they have produced the documents at Ex.P-1 to P-8. The Ex.P-1 is Adhar card



of plaintiff No.1, Ex.P-2 is SSLC marks card of plaintiff No.2, Ex.P-3 is the Aadhar card of plaintiff No.2, Ex.P-4 is Birth certificate of plaintiff No.2, Ex.P-5 is the legal notice issued by the plaintiffs through their counsel to the defendants No.1 and 2, Ex.P-6 is the endorsement issued by the defendant No.1, Ex.P-7 is postal receipt and Ex.P-8 is postal acknowledgment.

10. On careful perusal of the Ex.P-4, the name of the plaintiff No.2 is shown as 'Tejas'. As per Ex.P-5, plaintiffs have approached the defendants for change of the plaintiff No.2's name and his father name as 'Sujan Shetty' S/o 'Sudhakar' in birth certificate, but the same was denied by the defendants by issuing an endorsement that they have no power to change the name in the birth certificate as per Ex.P-6.

11. It is pertinent note here that section 15 of Registration of births and deaths Act-1969 deals with ***'correction or cancellation of entry in the register of births and deaths'***. It empowers the Register subject to the such rules as may be made by the



State Government with respect to the condition on which and the circumstances in which such entries may be corrected or canceled. But he is not authorized to rectify any mistake crept in the birth certificate which is already issued by him.

12. Further the ***Hon'ble High Court of Karnataka in Smt. Doresannamma V/s State of Karnataka***, has held that the name can be changed according to the wish of the candidates. Herein, though the defendant was served summons from this court, he did not choose to appear before the court and he has not denied the identification of the plaintiffs. So, under these circumstances, the relief claimed by the plaintiffs is granted, no hardship or prejudice would be caused to the defendant. If the plaintiffs are not permitted to change the name of the plaintiff as sought for, he may be put to inconvenience in future.

13. Therefore, by considering the materials on record, this court is of opinion that since the plaintiffs are intended to change their name as 'Sujan Shetty' S/



o Sudhakar, there is no hurdle to this court to grant the reliefs claimed by the plaintiff and there is no prejudice or injury caused to the defendant by rectifying the name of the plaintiff in the birth certificate. Thus ***point No.1 is answered in the Affirmative.***

14. Point No. 2 : In the light of foregoing discussions, this court proceeds to pass the following :

ORDER

The suit of the plaintiffs for the relief of declaration is hereby decreed.

It is declared that the plaintiff No.2's name is **Sujan Shetty** instead of **Tejas** and his father name is **Sudhakar** instead of **Sudhakar Shetty**.

Further, the defendants are directed to rectify the plaintiff No.1's name as Sujan Shetty and his father



name as Sudhakar in the birth certificate of the plaintiff No.2.

In view of the facts and circumstances of the case, the parties, parties bear their own costs.

Draw decree accordingly.

(Dictated to the stenographer directly on computer typed by her, corrected by me and then pronounced in the open court on this the **25th day of July 2026.**)

(MANIKANTA M.S.)
III Addl. Civil Judge & JMFC,
Kundapura.

ANNEXURE

1. List of witnesses examined on behalf of the plaintiff/s:

PW-1 : Sudhakar
PW-2 : Sujan Shetty

2. List of documents relied on behalf of the plaintiff/s:

Ex.P-1 : Adar Card of plaintiff No.1
Ex.P-2 : SSLC Marks Card
Ex.P-3 : Adar Card of plaintiff No.2
Ex.P-4 : Birth Certificate
Ex.P-5 : Legal Notice



Ex.P.6 : Endorsement
Ex.P.7 : Postal Receipt
Ex.P8 : Postal Acknowledgment

3. List of witnesses examined on behalf of the defendant/s:

- Nil-

4. List of documents relied on behalf of defendant/s :

- Nil-

**(MANIKANTA M.S.)
III Addl. Civil Judge & JMFC,
Kundapura.**