



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REGULAR FIRST APPEAL NO.1414 OF 2025 (DEC)

BETWEEN:

1. THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA,
DEPARTMENT OF EDUCATION,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
DEPARTMENT OF PUBLIC EDUCATION,
GOVERNMENT OFFICE,
12, DISPENSARY ROAD,
KALASIPALYA,
BENGALURU-560 002.
3. GOVERNMENT OF KARNATAKA
KARNATAKA SECONDARY EDUCATION,
EXAMINATION BOARD,
MALLESHWARAM CIRCLE,
MALLESHWARAM,
BENGALURU-560 003.

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA

...APPELLANTS

(BY SRI. NEELAKANTAPPA PUJAR, ADVOCATE)

AND:

1. SHWETHA S.,
W/O. PUTTARAJU B. C.,
D/O. SHIVAMURTHY G C ,
AGED ABOUT 33 YEARS,



R/AT NO.597, OLD NO.26,
14TH CROSS, 7TH MAIN,
NEAR SUNDAR RESIDENCY,
NEW BEL ROAD, DOLARS COLONY,
BENGALURU NORTH TALUK,
BENGALURU-560 094.

2. THE PRINCIPAL,
MOTHER THERESA HIGHER PRIMARY SCHOOL,
NO.10, 1ST MAIN, 6TH CROSS ROAD,
SRI. KANTESHWARA NAGAR,
MAHALAKSHMI LAYOUT,
BENGALURU-560 096.
3. THE PRINCIPAL,
M.E.S. KISHORE HIGH SCHOOL,
62, 10TH MAIN, MALLESHWARAM,
BENGALURU-560 003.
4. BANGALORE UNIVERSITY,
REP BY ITS REGISTRAR,
DIRECTORS OF CORRESPONDENCE COURSES
AND DISTANCE EDUCATION,
CENTRAL COLLEGE CAMPUS,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. H.M.MANJESH, ADVOCATE FOR R1;
NOTICE TO R2 TO R4 IS DISPENSED WITH)

THIS RFA IS FILED UNDER SECTION 96 OF CPC,
AGAINST THE JUDGMENT AND DECREE DATED 05.08.2023
PASSED IN OS.NO.1300/2023 ON THE FILE OF THE V
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU,
DECREETING THE SUIT FOR DECLARATION AND MANDATORY
INJUNCTION.



THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL JUDGMENT

This appeal by the defendants No.1, 2 and 5-State, is directed against the impugned judgment and decree dated 05.08.2023 in O.S. No.1300/2023 passed by the V Additional City Civil Judge, Bengaluru (CCH-13), whereby the said suit filed by the first respondent-plaintiff for the declaration that her name is Shwetha.S instead of Swetha.S and for further declaration that her date of birth was 10.06.1985 instead of 10.02.1985 was decreed by the Trial Court in favour of the first respondent-plaintiff against the appellants-defendants.

2. Heard the learned counsel for the appellants-State and the learned counsel for the first respondent-plaintiff and perused the material placed on record.

3. In view of joint submissions made by both sides, notice to respondent No.2 to 4 is dispensed with and the matter is taken up for final disposal.



4. A perusal of the material on record would indicate that first respondent-plaintiff instituted the aforesaid suit for declaration, mandatory injunction and other reliefs. It is the specific contention of the first respondent that her actual name was Shwetha.S instead of Swetha.S, which had erroneously/incorrectly appeared in the school records due to oversight and inadvertence. It is also contended by the first respondent-plaintiff that her actual date of birth was 10.06.1985 and not 10.02.1985, which was incorrectly entered in the school records. The said suit having been contested by the Appellants-State, the Trial Court proceeded to frame the following issues:

- "1) Whether the plaintiff proves that her name is 'Shwetha.S' and not as 'Swetha.S'?*
- 2) Whether plaintiff further proves that her correct date of birth is '10/06/1985' and not as '10/02/1985'?*
- 3) Whether the plaintiff is entitled for the relief of declaration and mandatory injunction as sought for ?*
- 4) Whether the plaintiff is entitled for suit reliefs as sought for ?*



5) *What order or decree?"*

5. The plaintiff examined herself as PW-1 and documentary evidence at Exs.P1 to P9 were marked, whereas, the appellants-defendants did not adduce any oral or documentary evidence in support of their defence. The Trial Court proceeded to pass the impugned judgment and decree upholding the claim of the plaintiff-first respondent and decreed the suit as hereunder:-

"ORDER

The suit of the plaintiff hereby decreed.

That hereby declared the name of the plaintiff Shwetha.S instead of Swetha.S.

Further hereby declared date of birth of the plaintiff 10/06/1985 instead of 10/02/1985.

Further hereby directed to all the defendants to change the name of the plaintiff as Shwetha.S in the place of Swetha.S and also her date of birth as 10/06/1985 in the place of 10/02/1985 in all her educational records accordingly.

There shall be no order as to costs.



Draw decree accordingly."

6. Aggrieved by the impugned judgment and decree, the appellants-State is before this Court by way of the present appeal.

7. Learned counsel for the respondent No.1/plaintiff on instructions, submits that the impugned judgment and decree insofar as it relates to changing her name from Swetha.S as it appeared in the school records may be changed to her actual name Shwetha.S, as it was evident in the birth certificate, which was marked as Ex.P1. It is submitted that insofar as the impugned judgment and decree declaring that her actual date of birth was 10.06.1985 instead of 10.02.1985 be set aside.

8. Per contra, learned High Court Government Pleader for the appellants-State on instructions submits that the impugned judgment and decree declaring the date of birth of the first respondent-plaintiff as 10.06.1985 instead of 10.02.1985 may be set aside. The appellants-State has no



grievance with regard to the change of name of the first respondent-plaintiff from Swetha.S to Shwetha.S in all the school records, service records etc.,

9. In view of the aforesaid facts and circumstances and the joint submissions made by both sides, I deem it appropriate to set-aside the impugned judgment and decree by partly allowing the appeal and modifying the same by issuing certain directions.

10. In the result, I pass the following:

ORDER

- (i) Appeal is hereby partly allowed.
- (ii) The impugned judgment and decree dated 05.08.2023 in O.S. No.1300/2023 passed by the V Additional City Civil Judge, Bengaluru is hereby set-aside, insofar as it relates to changing the date of birth of the first respondent-plaintiff from 10.02.1985 to 10.06.1985 is hereby set-aside.



- (iii) The impugned judgment and decree insofar as it relates to changing the name of the first respondent-plaintiff from Swetha.S to Shwetha.S is hereby confirmed.
- (iv) The appellants as well as other defendants are directed to change the name of the first respondent-plaintiff from Swetha.S to Shwetha.S in all records immediately within a period of four weeks from the date of receipt of a copy of this order.

In view of disposal of the appeal, I.A. 2/2025 for stay does not survive for consideration.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

CHS
List No.: 1 Sl No.: 28