



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.103535 OF 2025 (GM-RES)

BETWEEN:

KUMAR ATHARV S/O. VISHWANATH GUNDAGI,
AGE. 11 YEARS, OCC. STUDENT,
SINCE MINOR REPRESENTED BY THE MINOR
GUARDIAN HIS MATERNAL GRAND FATHER
SHASHIKANT S/O. MEGHARAJ MALGATTE,
AGE. 64 YEARS, OCC. BUSINESS,
R/O. #96, UGAR KHURD, TQ. ATHANI,
DIST. BELAGAVI-591316.

...PETITIONER

(BY SRI. GIRISH A.YADAWAD, ADVOCATE)

AND:

THE REGISTRAR OF BIRTHS AND DEATHS
/CHIEF EXECUTIVE OFFICER,
CONTONMENT BOARD, BELAGAVI,
DIST. BELAGAVI-590001.

...RESPONDENT

(BY SRI. APOORVA SOMANNAVAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI TO QUASH THE IMPUGNED ENDORSEMENT DATED 02.04.2025 ISSUED BY THE RESPONDENT IN NO.9/SAN/114/CGH 35 VIDE ANNEXURE-H, IN THE INTEREST OF JUSTICE AND EQUITY. B) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT TO CHANGE THE NAME OF PETITIONER AS 'ATHARV V. GUNDAGI' IN THE REGISTER OF BIRTHS MAINTAINED BY THE RESPONDENT AS AGAINST THE ORIGINALLY REGISTERED NAME 'KRISHNA V. GUNDAGI' AND TO ISSUE A FRESH BIRTH CERTIFICATE TO THE PETITIONER, IN THE INTEREST OF JUSTICE AND EQUITY. C) PASS SUCH ORDER OR ORDERS WHICH THIS HON'BLE COURT DEEMS FIT AND NECESSARY UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.





THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 12.02.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CAV ORDER

The present writ petition is filed seeking the following prayer:

"PRAYER

WHEREFORE, it is prayed for this Hon'ble court may be pleased to:

a) Issue a writ of certiorari to quash the impugned endorsement dated 02.04.2025 issued by the respondent in No.9/SAN/114/CGH 35 vide Annexure-H, in the interest of justice and equity.

b) Issue a writ of mandamus directing the respondent to change the name of petitioner as 'Atharv V. Gundagi' in the Register of Births maintained by the respondent as against the originally registered name 'Krishna V. Gundagi' and to issue a fresh birth certificate to the petitioner, in the interest of justice and equity.

c) Pass such order or orders which this Hon'ble court deems fit and necessary under the facts and circumstances of the case, in the interest of justice and equity."

2. It is the case of the petitioner that the petitioner was born on 17.09.2014 at the Military Hospital, Belagavi. The birth certificate came to be issued by the respondent showing the name of the petitioner as "Krishna V.Gundagi". The father of the petitioner is working in the Indian Army and as a result, the



parents of the petitioner often reside away from the petitioner depending upon the posting of the father of the petitioner. The petitioner is under the care and custody of his maternal grandfather namely Shashikant Malagatte. Hence, the parents of the petitioner have executed a Special Power of Attorney in favour of the maternal grandfather for the purpose of initiating legal proceedings.

3. It is stated that based on family traditions, the name of the petitioner was initially named 'Krishna' and the same upon being informed to the respondent was recorded in the birth certificate. Subsequently, the parents of the petitioner decided to officially name the petitioner as 'Atharv'. This change of name was in the best interest of the child and for his better identification for the purpose of educational and other official records. Accordingly, in the school records, the name of the petitioner is mentioned as 'Atharv V. Gundagi' and not 'Krishna V. Gundagi'. At the time of taking admission of the petitioner for 4th standard, due to the variation of the name of the petitioner in the school records in comparison with the birth certificate, there was difficulty for proceeding further and the parents of the



petitioner were directed to get the name in the birth certificate changed. Therefore, the petitioner was advised to file a suit before the Civil Court seeking declaration with regard to change of name. Accordingly, the petitioner instituted the suit in O.S.No.960/2023 against the respondent on the file of the III Additional Civil Judge and JMFC, Belagavi, seeking a declaration in that regard.

4. The said suit came to be dismissed by judgment and order dated 10.11.2023 on the ground of limitation. Aggrieved by the same, the petitioner preferred regular appeal in RA.No.19/2024 and the same also came to be dismissed by judgment and order dated 31.01.2024 confirming the judgment and decree passed in O.S.No.960/2023. It is submitted that the suit was filed by the petitioner on the mistaken notion that the name mentioned in the birth certificate was wrong. The trial Court and the first appellate Court dismissed the suit on the ground that, the limitation for seeking a declaration with respect to change of name is 3 years and the suit is filed beyond the said period of limitation and the same is not maintainable.



5. It is submitted that a Co-ordinate Bench of this Court in case of ***Master Adhrith Bhat Vs. The Registrar of Births and Deaths, Udupi City Municipality Council*** arising out of ***WP.No.6370/2024 dated 06.02.2025*** while considering a similar issue with respect to change of name, after elaborately considering the provisions of Registration of Births and Deaths Act, 1969 and the Karnataka Registration of Births and Deaths Rules, 1999 and having noticed that there is no provision in the Act or the Rules with respect to change of name of a person has laid down the procedure at paragraph Nos.25 to 32 thereby directing the authorities to change the name in the Register of Births and Deaths after following the said procedure.

6. It is submitted that in the light of the said judgment, the petitioner approached the respondent by submitting a representation dated 27.02.2025 requesting to change the name of the petitioner from 'Krishna' to 'Atharv' in the birth certificate by narrating the above facts. An affidavit executed by the power of attorney of the parents of the petitioner was also submitted along with the said representation in accordance with the order passed in WP.No.6370/2024. In response to the above said



representation submitted by the petitioner, the respondent has issued the impugned endorsement dated 02.04.2025 stating that the modification of entries in the Register of Births and Deaths can be made only by virtue of an order of the Court and directing the petitioner to submit an order of the Court for consideration of the request. It is stated that respondent ought to have accepted the request of the petitioner for change of name in terms of the judgment passed by this Court in WP.No.6370/2024. Aggrieved by the endorsement dated 02.04.2025 issued by the respondent, the petitioner has come before this Court.

7. Learned counsel for the petitioner has relied on paragraph Nos.17 to 36 of the judgment in case of **Master Adhrith Bhat** referred supra which reads as follows:

"17. As could be seen from above, Rule 10 provides that where the birth of any child had been registered without any name, the parent or guardian of such child is required to give information regarding the name of the child within 12 months and thereafter by virtue of Section 14 of the Act, the entries were required to be made. The proviso to Rule 10 also states the procedure to be followed if the information is provided after the period of 12 months has lapsed but within a period of 15 years from the date of registration.

18. It would therefore be clear that under the Rules, if no name has been furnished at the time of registration of the birth, the parent can within an outer limit of 15 years from the date of registration furnish the name of



the child and ensure that it had been entered in the Birth Certificate.

19. However, in the instant case, it is stated that the petitioner's father had given his son a new name and therefore, the entry in the Birth Register was also to be modified.

20. There is admittedly no provision under the Act or the Rules which provide for change of name which is already registered. This is therefore an obvious anomaly which would create unnecessary hardship to the parents or to the child in case they desire to have the name changed.

21. It is common practice in our country that a person decides to give himself a new name or that a parent decides to change the name though he has already been given a name. In fact, it is a practice in our country that multiple names are given, but one name is entered in the records and this, at times, creates confusion regarding the identity of the person.

22. The Legislature would have to take a view on this and ensure that the citizens are not put to any hardship whenever they desire to change their names and evolve a procedure where the records of that particular person are also changed simultaneously in all the public records or at least in the relevant records.

23. In fact, the Law Commission of Karnataka in its 24th Report¹ furnished on 20.07.2013 regarding Change of Name, suggesting amendments to the Act and the Rules. However, the Legislature does not appear to have taken the matter further.

¹ Law Commission of Karnataka Twenty Fourth Report, dated 20.07.2013; Re : Change of Name
– Amendment to the Registration of Births and Deaths Act, 1969.

The relevant suggestions AND the recommendation read as under :

"SUGGESTIONS FOR CONSIDERATION:

(C) Right to change one's name: A person who is known or described in any manner may give up describing or being known in that manner and choose any other name"



(H) Change of name recorded in the birth certificate shall be made for any of the following reasons:

- (i) bona fide desire of the applicant;***
- (ii) marriage/remarriage,***
- (iii) divorce,***
- (iv) adoption;***
- (v) religious conversion/re-conversion;***
- (vi) change of nationality and***
- (vii) change of sex.***

"RECOMMENDATIONS:

29) A) For the reasons stated above, the Commission recommends to the Government of Karnataka to take steps to amend the Registration of Births and Deaths Act, 1969 after due compliance with the provisions of Article 254 of the Constitution of India, as follows:

"15A. Change of name entered in the Register of Births & Deaths: Any person whose name is entered in the Register of Births and Deaths in the State of Karnataka and whose name is entered in the Register of Births and Deaths in any other State and has been staying in the State of Karnataka for a prescribed period shall be entitled to seek change of his name in the Register of Births in accordance with the rules of procedure prescribed by the State of Karnataka in this behalf."

B) The Commission further recommends that after Section 15A is added it shall frame exhaustive Rules for giving effect to the said provisions bearing in mind of the suggestions made by the Commission in paragraph No.28."

24. It would therefore be appropriate for the Legislature to take necessary action pursuant to the recommendation of Law Commission in its 24th report.

25. Since there is no provision under the Act or the Rules for change of name, a piquant situation has arisen which requires to be resolved in such a manner that neither authorities nor the applicants are prejudiced.

26. Since there is no law which prescribes the procedure for changing the name of a person, it would be impermissible for the parents of a child to seek for changing the name that is already registered in the register of births and deaths until a relevant law is provided for by the Legislature.



27. This could be achieved by calling upon the parents to give a sworn affidavit to the effect that they have changed the name of the child on their own accord and the entries in the birth register would be required to be changed accordingly.

28. On such a request being given, the authorities should verify the identity of the parents and proceed to incorporate the changed name in the Register of Births.

29. The authorities, in order to ensure that there is no attempt to create a record for ulterior purposes, should make a remark in the register stating that the name of the child had been changed subsequently pursuant to a request made by the parents. The register would therefore have an entry regarding the name which was originally entered and also a name which was entered subsequently on their request.

30. If such an endorsement is incorporated in the Birth Certificate as well, the possibility of any misuse would also be avoided.

31. In fact, even in respect of an adult who seeks for a change of name, the same procedure can be adopted. Since the original name would also be contained in the register and also the new name, the possibility of this document being misused for an ulterior purpose can easily be prevented.

32. Thus, until the appropriate provisions are made under the Rules by the State in this regard, the concerned authorities are directed to follow the aforementioned procedures and permit the change of name in the Register of Births and Deaths.

33. It has to be noticed here that, since the date of birth or the date of death and other details would remain unchanged, there can be no impediment or reason to prevent the change of name.

34. It is, however, made clear that in case of deaths, the question of changing the name would not arise and hence, these directions would be inapplicable.

35. In light of the above, the impugned endorsement dated 04.11.2023 is quashed. The respondent authority is hereby directed to change the name of the petitioner



as Shrijith Bhat in the Register of Births as against the originally registered name Adhrith Bhat.

36. As already noticed above, necessary endorsement shall be made in the Register of Births and also in the Birth Certificate that the original name of Adhrith Bhat was changed to Shrijith Bhat, as requested in the application dated 04.11.2023 and issue a fresh Birth Certificate accordingly."

8. Relying on this judgment, learned counsel for the petitioner submits that in the interest of the child, when the parents want to change the name of the child from 'Krishna' to 'Atharv', in the light of the judgment, the respondents ought to have accepted the request of the petitioner.

9. Learned counsel for the respondents submits that as there is no provision in the Registration of Births and Deaths Act, 1969, the respondents are not in a position to consider the request of the petitioner for change of name.

10. Having heard the learned counsels on either side, perused the entire material on record. The petitioner is 12 years old and his parents want to change his name from 'Krishna V.Gundagi' to 'Atharv V.Gundagi'. In the school records, it is already mentioned as 'Atharv V.Gundagi'. A Co-ordinate Bench of this Court in ***Master Adhrith Bhat's*** case referred supra had



observed that in fact, the Law Commission of Karnataka in its 24th Report furnished on 20.07.2013 regarding Change of Name, suggested amendments to the Act and the Rules. It is also observed that admittedly, when there is no provision under the Act or the rules for change of name, which is an obvious anomaly which would create unnecessary hardship to the parents or to the child in case they desire to have the name changed, issued slew of directions to the authorities. In the said judgment, it is observed that the authorities in order to ensure that there is no attempt to create a record for ulterior purposes, should make a remark in the register stating that the name of the child had been changed subsequently pursuant to a request made by the parents. The register would therefore have an entry regarding the name which was originally entered and also the name which was entered subsequently on their request. If such an endorsement is incorporated in the Birth Certificate as well, the possibility of any misuse would also be avoided. In the facts and circumstances of the case where the parents want to change the name of the child, in the light of the judgment in **Master Adhrith Bhat**'s case referred supra, this Court is passing the following:



ORDER

- i. The impugned endorsement dated 02.04.2025 issued by the respondent No.9 is set aside and respondent No.9 is directed to change the name of petitioner as 'Atharv V.Gundagi' in the Register of Births maintained by the respondent as against the originally registered name 'Krishna V. Gundagi' and to issue a fresh birth certificate to the petitioner.
- ii. The respondents shall make a remark in the Register of Births about the change of name, pursuant to the request made by the parents and the Register should reflect both the original name and also the present name.
- iii. Accordingly, the writ petition is ***allowed***.
- iv. All I.As. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

MEG
CT: UMD
List No.: 1 Sl No.: 2