



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.108947 OF 2025 (GM-RES)

BETWEEN:

DR. SNEHA D/O. SUBHASH JOSHI,
AGE. 41 YEAS, OCC. PHYSIOTHERAPIST,
R/O. KAIVALYA RESIDENCY, BUDHAWAR PETH,
TILAKWADI, BELAGAVI.

...PETITIONER

(BY SRI. SHREEVATSA S.HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPT. OF HOME AFFAIRS,
M.S. BUILDING, AMBEDKAR VEEDHI,
BENGALURU.
2. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPT. OF INFORMATION AND BROADCASTING,
M.S. BUILDING, AMBEDKAR VEEDHI,
BENGALURU.
3. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPT. OF PRIMARY AND SECONDARY
SCHOOL EDUCATION, M.S. BUILDING,
AMBEDKAR VEEDHI, BENGALURU.





4. THE REGISTRAR OF BIRTHS AND DEATHS,
CITY CORPORATION, BELAGAVI-590001.
5. UNIQUE IDENTIFICATION AUTHORITY OF INDIA,
7TH FLOOR, MTNL EXCHANGE, GD SOMANI MARG,
CUFF PARADE, COLABA, MUMBAI,
MAHARASHTRA-400005.

...RESPONDENTS

(BY SRI. T. HANUMAREDDY, ADDL. GOVT. ADV. FOR R1 TO R3;
SRI. CHETAN MUNNOLI, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT A) IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT DIRECTING THE RESPONDENT NO.4-TO PERMIT THE PETITIONER TO AMEND THE BIRTH CERTIFICATE OF HER SON REFLECTING THAT HE HAS ASSUMED HER NAME AS "DHRUV S/O. SNEHA JOSHI" IN PLACE OF THE FATHER'S NAME AND SURNAME HOWEVER, WITHOUT DISTURBING THE NAME OF THE FATHER IN THE RELEVANT COLUMN RECORDING THE NAME OF THE BIOLOGICAL FATHER. B) DIRECTING THE RESPONDENTS TO PERMIT AND CARRYOUT SUCH CHANGES IN ALL RELEVANT DOCUMENTS SHOWING THE NAME OF THE SON OF THE PETITIONER AS 'DHRUV S/O. SNEHA JOSHI IN ALL CONNECTED RECORDS INCLUDING SCHOOL, AADHAAR AND OTHER OFFICIAL DOCUMENTS. C) PASS SUCH OTHER ORDER(S) AS THIS HON'BLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 03.02.2026, 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, the Hon'ble court be pleased to issue a writ,

a) In the nature of mandamus or any other appropriate writ directing the Respondent No.4-to permit the Petitioner to amend the birth certificate of her son reflecting that he has assumed her name as "Dhruv S/o. Sneha Joshi" in place of the father's name and Surname however, without disturbing the name of the father in the relevant column recording the name of the biological father.

b) Directing the Respondents to permit and carryout such changes in all relevant documents showing the name of the son of the Petitioner as 'Dhruv S/o. Sneha Joshi in all connected records including school, Aadhaar and other official documents.

c) Pass such other order(s) as this Hon'ble Court deems fit in the interest of justice."

2. The facts of the case are that the petitioner's marriage was solemnized on 13.02.2015 with one Dattadarshan Nadgoudaon as per the Hindu rituals. In the wedlock, they were blessed with a son named 'Dhruv' on 18.12.2015. In view of the differences between the petitioner and her husband, she started residing separately. Thereafter, she had filed M.C.No.98/2021 seeking dissolution of marriage before the Family Court, Belagavi. The marriage was dissolved by mutual consent by



judgment and decree dated 21.04.2021 and the terms were settled in the said joint petition. The terms of the mutual consent were so set by the couple that while the petitioner insisted upon having the exclusive care and custody of the minor son, the husband of the petitioner refused to take any responsibility going to the extent of disowning the minor son. The terms included the liberty to the petitioner to change the name of her child. Ever since, she has been the sole caretaker and guardian of the minor.

3. It is further stated that the unbearable trauma undergone by the petitioner in her matrimonial home, the insensitivity of her husband and others from his family, their inability to empathize with her have left an indelible scar and filled insurmountable bitterness in her. Navigating her solo journey in difficult times has made her to resolve to give her son her name instead of the sneaky family of her husband. It is stated that the child will face several situations confronting him causing unnecessary anxiety and difficulties in social status. It is not only the preference of the petitioner but also the need for the child for his own welfare and stability that the name is changed



from his biological father's to his mother's. The petitioner being the natural guardian made a representation before respondent No.2 on 16.07.2025 seeking to change the family name of the child from Dattadarshan Nadgouda, her husband's to her own.

4. However, respondent No.4 has not been very co-operative and issued an equally casual endorsement dated 02.08.2025 stating that **"as per the Karnataka Birth/Death Registration Act, your request cannot be considered. Hence, you are requested to approach the Civil/JMFC Court for the same"**.

5. Learned counsel appearing for the petitioner submits that in view of the said endorsement, as the petitioner is left with no other effective alternative remedy, she has come before this Court. It is stated that even as per the mutual consent decree of divorce, the husband of the petitioner had agreed that the petitioner can change the child's name in the future. It is submitted that the Hon'ble Apex Court in case of **ABC Vs. State (NCT of Delhi)**¹ had held that a single mother can have her name recorded as the sole parent in official records without

¹ (2015) 10 SCC 1



disclosure of the father's name. It is submitted that in case of ***Gita Hariharan Vs. RBI***² it is recognized that a mother is also a natural guardian of the child not just the father which strengthens the mother's legal authority to make decisions in the child's interest though major decisions like surname change should be supported by a Court order when contested.

6. It is submitted that best interest of the child, Article 3 of the UN Convention on the Rights of the Child, to which India is a signatory mandates that the child's best interests must be the primary consideration. As per Section 6 of the Hindu Minority and Guardianship Act, 1956 and Section 7 of the Guardians and Wards Act, 1890, the mother having custody is the natural guardian of the child. There is no statutory bar in the Births and Deaths Registration Act, 1969 and allied rules do not mandate the inclusion of the father's name in cases where the mother is the sole guardian. It is submitted that the inaction on the part of the respondent is in violation of fundamental rights that is guaranteed under Articles 14, 19 and 21 of the Constitution of India.

² AIR 1999 SC 1149



7. Learned counsel had relied on the judgment of the High Court of Karnataka 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***. In this case also, the endorsement issued by the Registrar of Births who has refused the request of the petitioner to change his name was challenged. In the said case, a Co-ordinate Bench of this Court had directed that necessary endorsement shall be made in the Register of Births and also in the Birth Certificate by changing the name of the petitioner and allowed the writ petition. Learned counsel had relied on paragraph Nos.17 to 36 of the judgment 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, learned counsel for the petitioner submits that the writ petition may be allowed and the respondent may be directed to carry out the necessary corrections in the birth certificate of her son.

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 change the name of the petitioner. Hence, they have issued the impugned endorsement.

10. Having heard the learned counsels on either side, perused the entire material on record. In this case, the marriage between the petitioner and her husband was dissolved by mutual consent by judgment and decree dated 21.04.2021. As per the mutual consent decree, the mother will have the exclusive care and custody of the minor son and the mother is at liberty to change the name of the child. The Karnataka Registration of



Births and Deaths Act, 1969 and the Rules, 1999, there is no provision to effect the change of name. Considering the very same aspect, 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, 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 order, 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, pursuant to the 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. If such an endorsement is incorporated in the Birth Certificate as well, the possibility of any misuse would also be avoided. In this case, the mother is at liberty to change the name of the child as per



the mutual consent decree. Hence, the husband/father cannot have any objection. 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 02.08.2025 issued by respondent No.4 is set aside.
- ii. Respondent No.4 is directed to carry out the necessary changes in the birth certificate of the petitioner's son reflecting his name as "Dhruv S/o. Sneha Joshi" in place of the father's name and Surname, however, without disturbing the name of the father in the relevant column recording the name of the biological father.
- iii. The respondents shall make a remark in the Register of Births about the name change pursuant to the request made by the petitioner and the Register should reflect both the original name and also the present name.



- iv. Accordingly, the writ petition is ***allowed***.
- v. All I.As. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

MEG
CT: UMD
List No.: 1 Sl No.: 3