

KABGB10042022023



**IN THE COURT OF THE PRINCIPAL CIVIL & J.M.F.C.,
AT RAIBAG**

P R E S E N T

**SMT.PRIYA BHATTAD
B.Com., LL.B.,
PRINCIPAL CIVIL JUDGE AND JMFC, RAIBAG.**

O.S.NO.1119/2023

DATED THIS THE 04th DAY OF JUNE 2025

PLAINTIFF :

1. Shri.Kareppa Sabanna Terdal,
Age: 22years, Occ: Agriculture,
R/o: Savasuddi, Tq: Raibag, Dist: Belagavi.

(By Shri.D.H.Yalatti, Advocate)

//VERSUS//

DEFENDANTS :

1. The State of Karnataka
Represented by its Deputy Commissioner,
Belagavi.
2. The Deputy Director of Public Instructions.
D.D.P.I. Office, Chikkodi.
3. The Block Education Officer,
B.E.O. Office, Raibag.

4. The Head Master,
Government Higher Primary School,
Savasuddi, Tq: Raibag, Dist: Belagavi.
5. The Head Master,
Government Primary Kannada Boys
School, Savasuddi, Tq: Raibag.
6. The Head Master,
Shri.Basaveshwar Kannada Medium
Primary School, Savasuddi, Tq: Raibag,
7. The Head Master,
Government Primary Higher Primary
School, Koligudda, Tq: Raibag.

***(D-1 to 5, & 7 by Additional Government Pleader
D-6 Exparte)***

1.	Date of Institution of the suit	03-08-2023
2.	Nature of the suit	Suit for Declaration and Injunction
3.	Date of commencement of recording the evidence	28-01-2025
4.	Date of judgment	04-06-2025
5.	Total Duration	<u>Year/s</u> <u>Month/s</u> <u>Day/s</u> 01 10 01

**(Smt.Priya Bhattad)
Prl.Civil Judge & JMFC
Raibag.**

J U D G M E N T

1. The plaintiff has filed this suit against the defendants seeking the relief of correction of his father name as **"Sabanna"** instead of **"Sabu"** and declaration and rectification directing the defendants for effecting the necessary rectification in school records.

2. The case of the plaintiff's in brief is as under:-

The plaintiff has stated that is resident of Savasuddi village of Raibag taluka his correct name is **"Kareppa Sabanna Teradal"** in Aadhar card and other public records his father name is mentioned as **"Kareppa Sabanna Teradal"**. It is further stated that while admitting plaintiff to 1st standard to 5th Standard defendant No.7 school i.e., Government Kannada

Medium Higher Primary School, Koligudda, Tq:Raibag, Dist:Belagavi his father instructed to school authority his name as "**Sabanna**". It is further stated that he studied from 1st standard to 5th standard in the said school due to oversight and negligently school authorities have committed an error mentioned his father name as "**Sabu**" instead of "**Sabanna**". It is further stated that he continued his 5th standard at defendant No.7 school said wrong entry of his father name "**Sabu**" was continued in his school records. The same was came to the knowledge of plaintiff while he applying for government job/ Higher Education/ Government facilities. Thereafter, the plaintiff has requested the above mentioned defendants authorities for rectification i.e., deleting the wrong entry of father of name of plaintiff

i.e., "**Sabu**" and in its place entering true and correct name of plaintiff as "**Sabanna**". The defendants authorities are not ready to rectify the same. The wrong entry is due to the mistake of defendants records. The plaintiff requested to defendants authorities for rectification of his father name, but the defendants authorities have refused to rectify the same without decree of competent Court of law. Therefore, the plaintiff is constrained to file this suit. Hence, he prayed for decreeing the suit.

3. The learned AGP has appeared before this Court on behalf of defendant No.1 to 5 and 7 and defendant No.3 filed written statement and defendant No.1, 2, 4 and 5 adopted the same as their written statement. Defendant No.3 in the written statement stating that the suit is not maintainable

either in law or on facts. The defendant No.3 has denied entire facts of plaint and specifically contended that the plaintiff has not produced any document to rectify the school records. Further the name was mentioned in the school records as stated by father of plaintiff. Hence, prayed to dismiss the suit with costs.

4. On the basis of the above pleadings, this Court has framed the following ;

:: ISSUES ::

1. ***Whether the plaintiff prove that his father correct name is "Sabanna" instead of "Sabu"?***
2. ***Whether the plaintiff further prove that his father name was wrongly mentioned as "Sabu" instead of "Sabanna" in his school records?***

3. *Whether the plaintiff is entitled for the reliefs as prayed for ?*

4. *What order or decree?*

5. In order to prove the case, the plaintiff No.1 has examined before this Court on oath as P.W-1 and got marked 4 documents as Ex.P-1 to Ex.P-4 and closed his side. On the other hand, defendants have not adduced any evidence and their evidence taken as nil.

6. Heard the arguments addressed by learned counsel for plaintiff and perused the materials available on record.

7. In the light of the pleadings, evidence and documents on record, my findings on the above issues are as under:-

Issue No.1 : In the Affirmative.
Issue No.2 : In the Affirmative.
Issue No.3 : In the Affirmative.
Issue No.4 : As per final order
for the following:-

:: REASONS ::

8. ISSUE No.1 & 2:- These issues are inter connected to each other, hence they are taken up together for common discussion, in order to avoid repetition of facts and evidence. The facts of the case are already stated above and as such it is needless to be repeated.

To substantiate the case, the plaintiff examined himself as P.W.1 and he filed an affidavit in lieu of examination in chief. The P.W-1 in his chief-examination has deposed that he is permanent resident of Savasuddi village of Raibag taluka, Belagavi District. He further deposed that his father

correct name is "**Sabanna**" in Aadhar card his full name is correctly mentioned as "**Kareppa Sabanna Teradal**". He further deposed that while he admitting to 1st standard to 5th standard defendant No.7 school his father instructed to defendant No.7 school authority as "**Sabanna**", but the school authority has wrongly mentioned as "**Sabu**", same was continued in defendant No.7 school while he taken admission to 1st to 5th standard at defendant No.7's school. He further deposed that said mistake was due to oversight and negligent of above school authorities i.e., defendants No.5 to 7. He further deposed that he approached the said school authorities for rectification of his father name, but shown their inability to correct his father name in the school records. Further the learned A.G.P. has cross-

examined the P.W.1 and nothing elicited to disprove the said contents of plaint.

9. To prove the contention of plaintiff, PW.1 has produced Ex.P.1 to Ex.P.4. The Ex.P.1 to Ex.P.4 are the school certificates plaintiff. Now it is to be seen that whether the documents produced by the plaintiff are sufficient to prove his case or not is to be considered.

10. On perusal of Ex-P1 to 4 i.e., school certificates issued by school authorities i.e., Government Primary schools and Shri.Basweshwar Kannada Medium Primary School, Raibag, Dist: Belagavi of plaintiff, it appears that the name of the plaintiff is shown as "**Sabu**". Further on perusal of the Ex-P-5 to 7 i.e., school certificates and school admission certificate issued by defendant No.7 school

authority, it appears that the name of the plaintiff is shown as '**Sabu**'. Further on perusal of Ex-P1 to 4 i.e., school certificates, it appears that name of plaintiff is shown as "**Sabanna**". The said documents are public documents and carry more weight-age. Further in the school records i.e. Ex.P.1 & 2, the name of plaintiff was shown as '**Sabu**' and in the other school and other records it is shown as "**Sabanna**". The record maintained by the defendants authorities are to be continue in his school records also and the same is not done in case of plaintiff. Hence, it is just and necessary to issue direction to the defendants to make necessary correction in name of plaintiff. Accordingly, from all the documents available on records, it appears that the name of plaintiff is "**Sabanna**", but the name of the plaintiff was

wrongly shown as '**Sabu**' in the school records at Ex-P1 to 4. Therefore, I hold that the said documents i.e., school certificates are genuine documents as they are issued by competent authority.

11. There is no reason to disbelieve the oral and documentary evidence of plaintiff placed on record. If the father name of the plaintiff is ordered to be rectified as claimed in the suit, there is no hardship would be caused to the defendants. Therefore, I hold that the father name of plaintiff is to be corrected as "**Sabanna**" and not '**Sabu**'. Hence, these two issues answered in the ***Affirmative***.

12. ISSUE No.3:- For the foregoing reasons, this court arrives at conclusive opinion that plaintiff is entitled for the reliefs sought in the plaint. Having

regard to the nature of the suit, it would be proper to direct both the parties to bear their respective costs. Hence this issue answered in ***Affirmative***.

13. ISSUE NO.4:- For the reasons assigned above issues, I proceed to pass the following:-

:: ORDER ::

The suit of the plaintiff is hereby decreed.

It is hereby corrected the name of father of the plaintiff as "Sabanna" instead of 'Sabu'.

The defendants are hereby directed to rectify the name as "Sabanna" in school records.

Draw decree accordingly.

(Directly dictated to the Stenographer on computer, computerized by him, corrected and then pronounced by me in the open court on this 04th day of June 2025)

**(SMT.PRIYA BHATTAD)
Principal Civil Judge & JMFC,
Raibag.**

ANNEXURES

I. Number of Witnesses examined on behalf of Plaintiff/s:

PW1 : Shri.Kareppa Sabanna Teradal.

II. List of Documents marked on behalf of Plaintiff/s:

Ex.P.1 to 4 : School certificates of plaintiff.

III. Number of Witnesses examined on behalf of Defendant/s:

- Nil -

IV. List of Documents marked on behalf of Defendant/s:

- Nil -

**(SMT.PRIYA BHATTAD)
Principal Civil Judge & JMFC,
Raibag.**