

KABG040028882023



**IN THE COURT OF THE VII ADDL. CIVIL JUDGE AND  
JMFC, BELAGAVI.**

**PRESENT: CHAMPASHREE R., *B.A.L., LL.B., LL.M.*,  
C/c. VII Addl. Civil Judge and JMFC.,  
Belagavi.**

**DATED THIS 30<sup>th</sup> DAY OF OCTOBER, 2023**

**ORIGINAL SUIT NO: 928/2023**

**BETWEEN:**

Shifa D/o. Harun Killedar,  
Age: 12 years, Occ: Student,  
Since minor represented by his natural  
M/G father Mr. Harun S/o. Ibrahim Killedar,  
Age: 46 years, Occ: Pvt. Service,  
R/o. H.No.3758, Bagwan Galli,  
Belagavi, Tal & Dist: Belagavi.

**...Plaintiff**

**(By Sri. R. S. Nashipudi, Advocate)**

**AND:**

The Commissioner,  
City Corporation, Belagavi.  
Registrar of Birth and Death  
(Health Section)

**...Defendant**

**(Defendant placed exparte)**

Date of Institution of suit	:	03.08.2023
Nature of Suit	:	Declaration & Mandatory Injunction
Date of Evidence	:	05.09.2023
Date of Judgment	:	30.10.2023
Total Duration	:	Y/s M/s D/s 00 02 27

### **JUDGMENT**

Plaintiff filed present suit for the relief of declaration and mandatory injunction seeking to declare Plaintiff's correct full name as 'Shifa Harun Killedar' and her mother's correct name as 'Tahseen' in her birth certificate issued by Defendants and also to direct Defendants to enter Plaintiff's correct name as 'Shifa Harun Killedar' at column No.1 and her mother's correct name as 'Tahseen' at column No.5 of birth certificate of Plaintiff and to effect necessary changes the birth certificate.

### **FACTS IN BRIEF:**

2. It is stated that, Plaintiff's full name is Shifa Harun Killedar and her mother name is Tahseen but same is mentioned as Shifa and Taiseen in Plaintiff's her birth certificate of Plaintiff. It is stated that, Plaintiff's correct full name is 'Shifa Harun Killedar' and same is appearing in Adhar card, school records and other concerned document of Plaintiff.

3. It is stated that, Plaintiff did not noticed the said mistake, but, recently in the second week of July 2023, at the time of taking admission to 6<sup>th</sup> standard, school authority noticed the same and advised the Plaintiff to get corrected the said mistakes and due to said mistake, Plaintiff is facing problems in school documents and other necessary documents. Therefore, Plaintiff requested Defendant to rectify the same, but, Defendant orally advised Plaintiff to obtain decree from Court. Hence, present suit.

4. Suit summons was duly served upon Defendant. Defendant failed to appear before the Court and therefore, it was placed *exparte*.

5. On the basis of plaint, the following points were framed by this Court:

**: POINTS FOR CONSIDERATION:**

1. ***Whether Plaintiff proves that her correct full name is 'Shifa Harun Killedar' and her mother's correct name is 'Tahseen'?***
2. ***Whether Plaintiff proves that her name is entered as Shifa and her mother's name is entered as Taiseen in her birth certificate?***
3. ***Whether Plaintiff is entitled for relief as sought for?***
4. ***What order or decree?***

6. In order to prove her case, next friend of Plaintiff i.e., her father got examined as PW.1 and got marked 4 documents at Ex.P1 to Ex.P4. Ex.P1 is birth certificate of Plaintiff, Ex.P2 is notarised copy of Adhar card of Plaintiff, Ex.P3 is notarised copy of Adhar card of Plaintiff's mother - Tahseen Killedar, Ex.P4 is notarised copy of Adhar card of Plaintiff's father - Harun Ibrahim Killedar.

7. Heard learned counsel for Plaintiff. Perused materials placed on record. On going through the oral and documentary evidence this Court answer the above points as under:

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

***Point No.2 : In the Affirmative,***

***Point No.3 : In the Affirmative,***

***Point No.4 : As per final order***

***for the following:***

**REASONS**

8. **Point No.1:** It is specific case of Plaintiff that, her correct name is Shifa Harun Killedar and her mother's correct name is Tahseen, but same has been entered as Shifa and Taiseen respectively in her birth certificate. Though the said mistake is occurred due to lack of legal knowledge and she approached Defendant to rectify the said mistake, but, Defendant refused and suggested to approach Court.

9. In order to prove her case, next friend of Plaintiff i.e., her father got examined as PW.1 and got marked 4 documents at Ex.P1 to Ex.P4. Ex.P1 is birth certificate of Plaintiff, Ex.P2 is notarised copy of Adhar card of Plaintiff, Ex.P3 is notarised copy of Adhar card of Plaintiff's mother-Tahseen Killedar, Ex.P4 is notarised copy of Adhar card of Plaintiff's father-Harun Ibrahim Killedar.

10. To prove that Plaintiff's correct full name is Shifa Harun Killedar, she produced Ex.P2. Ex.P2 is Adhar card of Plaintiff, wherein, her name is mentioned as Shifa Harun Killedar. Plaintiff to prove her mother's name as Tahseen, she produced Ex.P3. Ex.P3 - Adhar card of Tahseen Harun Killedar. On going through the above mentioned documents, it appears that Plaintiff's correct

name as Shifa Harun Killedar and her mother's name as Tahseen. **Hence, this Court proceeds to answer this point in Affirmative.**

11. **Point No.2:** To prove that her full name and her mother's name is entered as 'Shifa' and 'Taiseen' in Plaintiff's birth certificate, PW.1 produced Ex.P1. Ex.P1 is the birth certificate of Plaintiff. On looking into column No.1 of Ex.P1, it reflects that her name is mentioned as 'Shifa' and at column No.5 of Ex.P1, it reflect that her mother's name is mentioned as 'Taiseen'. Therefore, from the discussion made above this Court is of the opinion that Plaintiff's name is mentioned as 'Shifa' and her mother's name is mentioned as 'Taiseen' in her birth certificate. **Hence, this point answered in Affirmative.**

12. **Point No.3:** PW.1 proved her correct name is Shifa Harun Killedar and her mother's name is Tahseen and she also proved that in her birth certificate her name is mentioned as 'Shifa' and her mother's name is mentioned as 'Taiseen'. Further, it is noticed that Plaintiff name is mentioned as 'Shifa' in her birth certificate and Plaintiff is seeking to affix her father name in her birth certificate. When Plaintiff proved her case, it is necessary to grant relief as sought by her. Therefore, this Court is of the opinion that Plaintiff is entitled for the relief sought for. **Hence, this Court proceeds to answer this issue in Affirmative.**

13. **Point No.4:** For the above reasons, this Court proceeds to pass the following:

**: ORDER :**

Suit filed by Plaintiff is hereby Decreed.

Plaintiff's correct name is declared as 'Shifa Harun Killedar' and her mother's correct name is 'Tahseen'.

Defendant is hereby directed to rectify Plaintiff's name as 'Shifa Harun Killedar' and her mother's correct name as 'Tahseen' in her birth records maintained by Defendant.

No order as to costs.

Draw Decree accordingly.

*(Dictated directly to the stenographer on Computer, the same is revised, edited and corrected by me and then pronounced in the Open Court on this the 30<sup>th</sup> day of October, 2023).*

**(CHAMPASHREE R.)**  
**C/c. VII Addl. Civil Judge & JMFC,**  
**Belagavi.**

**ANNEXURES****LIST OF WITNESS EXAMINED ON BEHALF OF THE PLAINTIFF:**

PW.1 : Mr. Harun S/o. Ibrahim Killedar

**LIST OF DOCUMENTS MARKED ON BEHALF OF THE PLAINTIFF:**

Ex.P1 : Birth certificate of Plaintiff,

- Ex.P2 : Adhar card of Plaintiff,  
Ex.P3 : Adhar card of Tahseen,  
Ex.P5 : Original Adhar card of PW.1.

**LIST OF WITNESS EXAMINED ON BEHALF OF THE DEFENDANT:**

-Nil-

**LIST OF DOCUMENTS MARKED ON BEHALF OF DEFENDANT:**

-Nil-

**(CHAMPASHREE R.)  
C/c. VII Addl. Civil Judge & JMFC,  
Belagavi.**