



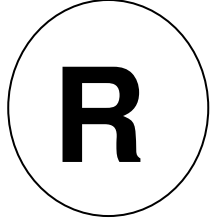
IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

REGULAR FIRST APPEAL NO.2454 OF 2024 (DEC)



BETWEEN:

MR. SUHAS L
S/O LATE LOKESH H P
AGED ABOUT 29 YEARS
R/AT NO.112, WARD NO.4
INDRA COLONY
HAGALURU MALAVALLI TALUK
MANDYA-571421

PRESENT ADDRESS
NO.186, 5TH CROSS
KAVIKA LAYOUT
DEEPANJALI NAGAR
BENGALURU-560026

...APPELLANT

(BY SRI.VYSHAK P.N., ADVOCATE FOR
SRI.BHARGAVA D BHAT, ADVOCATE)

AND:

1. THE CHIEF REGISTRAR
BIRTHS AND DEATHS
GOVERNMENT OF KARNATAKA
BBMP OFFICE, N R CIRCLE
YESHWATHPUR ZONE
RTO COMPLEX, 2ND FLOOR
BENGALURU-560022





2. THE MEDICAL CHIEF OFFICER OF HEALTH
RAJARAJESHWARI NAGAR ZONE
BBMP, BENGALURU-560098
3. THE CHIEF REGISTRAR OF
BIRTHS AND DEATHS
GOVT. OF KARNATAKA, 7TH FLOOR
VISHWESHWARAI AH MAIN TOWER
DR.B.R.AMBEDKAR VEEDHI
BENGALURU-560001

...RESPONDENTS

(BY SMT.HEMALATHA V, AGA FOR R.1 TO R.3;
SRI.B.S.SATYANAND, ADVOCATE FOR R.2)

THIS RFA IS FILED UNDER SECTION 96 OF CPC, AGAINST
THE JUDGMENT AND DECREE DATED 01.10.2022 PASSED IN
OS.NO.1935/2022 ON THE FILE OF THE VII ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE, BANGALORE, DISMISSING THE SUIT FOR
DECLARATION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

This captioned appeal is filed by the unsuccessful
plaintiff assailing the judgment and decree dated
01.10.2022 passed in O.S.No.1935/2022 on the file of the



VII Additional City Civil and Sessions Judge at Bengaluru
(CCH-19) at Bengaluru.

2. For the sake of brevity, the parties are referred to as they are ranked before the Trial Court.

3. The plaintiff, Suhas L., has instituted a suit in O.S.No.1935/2022 seeking a direction against the Chief Registrar, Births and Deaths, to rectify the name of his mother as recorded in the Death Certificate issued by the concerned authorities. It is the case of the plaintiff that his mother's name has been erroneously recorded in the certificate, and he has therefore sought a declaration to that effect.

4. The parties were permitted to lead evidence. Upon evaluation of the material on record, the Trial Court held that the plaintiff failed to examine any competent official witness from the hospital concerned to establish that the error in his mother's name was due to a mistake on the part of the hospital authorities. In the absence of



such crucial evidence, the Trial Court found that the plaintiff had not discharged the burden of proof. Consequently, the suit was dismissed, and the issue was answered against the plaintiff. Aggrieved by this judgment and decree, the plaintiff has preferred the present appeal.

5. Heard the learned counsel appearing for the appellant-plaintiff and the learned counsel representing the respondent-authorities.

6. Learned counsel for the respondent-authorities contends that the suit, in its present form, is not maintainable before a Civil Court. He submits that the jurisdiction of the Civil Court is expressly barred in view of Section 9 of the Civil Procedure Code read with Rule 7 of the Karnataka Registration of Births and Deaths Rules, 1999. Placing reliance on Rules 7 and 11 of the said Rules and Section 15 of the Registration of Births and Deaths Act, 1969 ("the Act"), he submits that the appropriate authority under the Act is vested with the power to correct



errors in Birth and Death Certificates, and therefore, the Civil Court lacks jurisdiction.

7. In light of the submissions made and the records available, the following points arise for consideration in this appeal:

i) Whether the nature of relief sought in the suit is barred under Section 9 of the Civil Procedure Code in view of the statutory remedy available under Section 15 of the Registration of Births and Deaths Act, 1969?

ii) Whether the judgment and decree passed by the Trial Court suffers from any perversity, thereby warranting interference by this Court?

iii) Whether the plaintiff is required to be relegated to seek appropriate relief under the provisions of the Act, 1969?

Findings on Point No.1:

8. Before this Court delves upon the jurisdiction of the Court in entertaining the present suit, this Court deems it fit to cull out prayer column sought in the plaint.



"Wherefore, the plaintiff most humbly prays that, this Hon'ble Court may be pleased to pass judgment and decree in favour of the plaintiff:-

a. Direct the defendant to issue corrected of the death certificate by mentioning the name of the plaintiff's mother Smt.Mallika B.V. and declare that the name of the plaintiff's mother is Smt.Mallika B.V. who is also being the wife of Sri.Lokesh H.P. respectively.

b. Grant such other relief as this Hon'ble Court deems fit to grant under the circumstances of the case in the interest of justice and equity and also by awarding cost of the proceedings."

9. On a perusal of the reliefs sought in the plaint, it is evident that the plaintiff seeks a direction for correction of the Death Certificate by substituting the name of his mother as Smt.Mallika B.V. in place of *Smt.Latha B.* Additionally, the plaintiff seeks a declaration to the effect that Smt. Mallika B.V. is the lawful wife of Lokesh H.P. In this context, it is apposite for this Court to extract Section 15 of the Registration of Births and Deaths Act, 1969, which governs the procedure for



correction or cancellation of entries in the register of births and deaths.

"15. Correction or cancellation of entry in the register of births and deaths.—

If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation."

10. On a careful reading of Section 15 of the Registration of Births and Deaths Act, 1969, particularly the language employed by the Legislature, it is evident that the statute confers exclusive authority on the Registrar to carry out inquiries and effect corrections or cancellations of entries relating to births and deaths as recorded in the official registers maintained under the Act. Section 15 of the Act specifically empowers the Registrar



to correct errors or cancel entries in the register if such entries are found to be erroneous in form or substance, or were made fraudulently or improperly. The provision contemplates a mechanism through which rectification of such records may be sought by the aggrieved person, and such correction is to be carried out by the statutory functionary designated under the Act, not by a Civil Court.

11. In the present case, the entries in question, including the name of the deceased's mother as reflected in the Death Certificate, emanate from the records maintained by the competent authority under the 1969 Act. Therefore, any rectification sought in relation to such entries squarely falls within the exclusive jurisdiction of the Registrar under Section 15 of the Act. The plaintiff's grievance, being one that directly pertains to a correction in the official record of a death, is thus within the domain of the Registrar and not amenable to adjudication by a Civil Court.



12. It is a well-established principle of law that the jurisdiction of Civil Courts under Section 9 of the Civil Procedure Code, though wide and plenary in nature, can be expressly or impliedly excluded by the Legislature by enacting a special law that provides for a specific remedy before a designated authority. The Registration of Births and Deaths Act, 1969, is a special statute that not only provides for the maintenance of birth and death records but also sets out a comprehensive procedure for correction of errors through the Registrar under Section 15.

13. Upon a plain reading of Section 15, it is manifest that the Legislature intended to oust the jurisdiction of Civil Courts in matters relating to correction of birth and death records, which are purely administrative in nature. The scheme of the Act, read harmoniously with the Rules framed thereunder particularly Rules 7 and 11 of the Karnataka Registration of Births and Deaths Rules, 1999 makes it abundantly clear that a special mechanism is provided to address such grievances. The civil court,



therefore, lacks jurisdiction where a special statute provides not only the right but also the remedy, including the forum, for its enforcement.

14. The exclusion of jurisdiction of Civil Courts must be determined by examining the nature of the relief claimed in the plaint. If the relief sought falls exclusively within the domain of a statutory authority created by a special enactment, then Civil Court jurisdiction stands excluded by necessary implication. In the present case, the plaintiff seeks rectification of the name of his mother in the Death Certificate and a declaration regarding her marital status. These issues arise directly from the official records maintained under the Act and are to be addressed under Section 15 by the Registrar, not through adjudication by a Civil Court.

15. The intent of the Legislature behind Section 15 of the 1969, Act must also be appreciated in context. The objective behind providing a summary remedy before the



Registrar is to facilitate a quick and efficient rectification process without burdening the Civil Courts with administrative corrections that fall outside the realm of private law disputes. Section 15 offers an accessible and efficacious remedy to any person aggrieved by an error in the entry of a birth or death, and the bar under Section 9 of the Civil Procedure Code operates in such cases to prevent unnecessary litigation before Civil Courts, which are not the appropriate forums for such redressal. Therefore, the statutory scheme reflects a conscious legislative choice to centralise the power of rectification in the hands of the prescribed authority under the Act.

16. This view is fortified by two reported decisions of this Court, wherein the scope and intent of Section 15 have been discussed in detail. These decisions affirm that the power vested in the Registrar under the 1969 Act is sufficiently broad to address not only clerical or typographical errors but also substantive mistakes relating to personal particulars in the certificates, including names



and relationships. The judgments underscore that the Registrar's powers are not to be interpreted narrowly, and the authority has been conferred with sufficient discretion to conduct inquiries and make necessary corrections after due verification.

17. In light of the above legal position, this Court is of the considered view that the present suit, filed before the Civil Court seeking rectification of entries in the Death Certificate, is not maintainable. There exists a clear bar under Section 9 of the CPC, as the nature of the relief falls exclusively within the domain of the Registrar under Section 15 of the 1969 Act. Although the authorities had specifically raised this objection in their written statement, the Trial Court unfortunately failed to examine or give due weight to this fundamental jurisdictional bar. It is settled law that the question of maintainability and jurisdiction can be examined even at the appellate stage, particularly where the bar is statutory and goes to the root of the matter.



18. Accordingly, this Court holds that the suit itself was not maintainable, and the Civil Court lacked jurisdiction to entertain the same. Point No.1 is, therefore, answered in the Affirmative.

Findings on Point Nos.2 and 3:-

19. Points (ii) and (iii) are taken up together for consideration, as they are closely interrelated. On a careful perusal of the records and, more particularly, the reliefs sought in the plaint, this Court is of the considered view that the plaintiff has unnecessarily invoked the jurisdiction of the Civil Court for a matter that is purely administrative in nature and squarely falls within the scope of the special mechanism provided under the Registration of Births and Deaths Act, 1969. The correction sought pertaining to the substitution of the name of the deceased's mother in the Death Certificate is a minor and rectifiable error contemplated under Section 15 of the Act, 1969.



20. This Court is of the opinion that the plaintiff has unfortunately chosen a circuitous and time-consuming legal route, by filing a civil suit, instead of invoking the efficacious and summary remedy provided under the special statute. The relief sought is too trivial in nature to justify the institution of a full-fledged civil suit. In such circumstances, this Court does not find it necessary to engage in an elaborate adjudication on whether the Civil Court's jurisdiction is expressly or implicitly barred under Section 9 of the Civil Procedure Code. Instead, this Court finds it more appropriate to direct the plaintiff to avail the statutory remedy under the Act, which is not only adequate but also more suited for addressing the grievance raised.

21. Having regard to the nature of the relief and the scheme of the 1969 Act, this Court is firmly of the view that the suit filed by the plaintiff was misconceived and not maintainable. Therefore, the plaintiff deserves to be relegated to seek appropriate redressal before the



Registrar of Births and Deaths in terms of Section 15 of the Act, 1969.

22. At this juncture, learned counsel for the plaintiff has placed reliance on two reported judgments of this Court, which fully support the view that the appropriate forum for redressal of grievances regarding errors in Birth or Death Certificates is the authority designated under the 1969, Act. The first decision relied upon is in the case of ***Sanjib Das and Another v. The Commissioner and Another***, in ***W.P. No.8423/2018***, wherein this Court categorically held that correction of entries in birth and death records lies within the exclusive domain of the Registrar, and an aggrieved person must first approach the Registrar under Section 15 before seeking any other legal remedy.

23. Further reliance is placed on the judgment in ***Prakash V. vs. The Registrar of Births and Deaths***, ***W.P. No.18803/2024***, wherein this Court has elaborated



the scope of powers under Section 15 of the Registration of Births and Deaths Act, 1969. It was held that the Registrar's powers are not confined to clerical or typographical errors but extend to substantive corrections as well, provided adequate evidence is produced. The Registrar, being a quasi-judicial authority, is empowered to hold an enquiry, verify documents, and pass appropriate orders in a time-bound and summary manner. This Court reiterated that the Act provides an efficacious alternative remedy, discouraging recourse to Civil Courts in such matters. In light of this settled legal position, it is held that the plaintiff must first exhaust the remedy under Section 15 before approaching the Civil Court.¹⁴ In light of the legal position enunciated by this Court in the aforementioned decisions, and upon careful examination of the judgment and decree passed by the Trial Court, this Court finds no compelling reason to interfere with the said judgment. The Trial Court has rightly dismissed the suit on the ground that the plaintiff failed to produce cogent



evidence and, more significantly, sought a relief that falls outside the jurisdiction of a Civil Court, given the special mechanism available under the Registration of Births and Deaths Act, 1969.

24. However, considering the peculiar facts and circumstances of the present case, this Court deems it appropriate to permit the plaintiff to avail the remedy provided under Section 15 of the Act, 1969. The plaintiff is at liberty to file an appropriate application before the competent authority namely, respondent No.1 (Registrar of Births and Deaths) seeking rectification of the entry in the Death Certificate to reflect the correct name of his mother as Smt. Mallika B.V. in place of Smt. Latha B., and to clarify her relationship with Lokesh H.P.

25. If the procedure under the applicable Rules mandates submission of the application through an online portal or in a specific format, the plaintiff shall comply with such requirements and file the application in the manner



prescribed. The plaintiff is further granted liberty to cite the decisions of this Court in ***Sanjib Das and Another v. The Commissioner and Another (W.P.No.38423/2018*** and ***Prakash V v. The Registrar of Births and Deaths (W.P.No.18803/2024)***, which categorically recognize the power of the Registrar to make not only minor corrections but also substantive change such as complete replacement of names provided such changes are supported by valid documents and justified by circumstances.

26. In the event such an application is submitted, respondent No.1 shall consider the same expeditiously and in a sensitive manner, keeping in view the nature of the grievance and the guiding principles laid down by this Court in the aforementioned judgments. The authority shall afford the plaintiff a reasonable opportunity of being heard and shall pass a speaking order in accordance with law.



27. Accordingly, Point No.(ii) is answered in the Negative and Point No.(iii) is answered in the Affirmative. The plaintiff is relegated to pursue the statutory remedy available under the Act, 1969.

In that view of the matter, the appeal is dismissed.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE