



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR FIRST APPEAL NO. 1410 OF 2019 (DEC)

BETWEEN:

SRI MOHAMMED IMRAN,
SON OF MOHAMMED MUSTAFA,
AGED ABOUT 34 YEARS,
RESIDING AT NO.176, 15TH CROSS,
TELECOM LAYOUT, PENNFIELD GARDEN,
JAKKUR, BENGALURU-560054.

...APPELLANT

(BY SMT ANUSHA DEVI H, ADVOCATE)

AND:

1. THE CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU-560001.
2. THE DEPUTY DIRECTOR FOR PUBLIC INSTRUCTIONS
BENGALURU SOUTH DISTRICT,
NO.12, DISPENSARY ROAD,
OPP. KIMS HOSPITAL, KALASIPALYA,
BENGALURU-560002.
3. THE KARNATAKA SECONDARY EDUCATION
EXAMINATION BOARD, 6TH CROSS ROAD,
MALLESWARAM, BENGALURU,
REPRESENTED BY ITS SECRETARY.
4. THE REGIONAL DIRECTOR,
NATIONAL INSTITUTE OF OPEN SCHOOLING,
REGIONAL CENTRE, VUDA COMPLEX,
5TH FLOOR, B BLOCK,

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA



SRIPURAM, VISHAKAPATNAM - 530003.

5. DIRECTORATE OF DISTANCE EDUCATION,
ALAGAPA UNIVERSITY, ALAGAPA NAGAR,
KARAIKUDI, TAMIL NADU - 630003.

...RESPONDENTS

(BY SRI M RAJAKUMAR, AGA FOR R1 AND R3,
R2, R4 AND R5 ARE SERVED)

THIS RFA IS FILED UNDER SEC. 96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 26.03.2019 PASSED IN
OS.NO. 1756/2018 ON THE FILE OF THE II ADDITIONAL CITY
CIVIL JUDGE, BENGALURU, DISMISSING THE SUIT FOR
DECLARATION.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This appeal is filed challenging the judgment and decree
dated 26.03.2019 passed in O.S. No.1756/2018 on the file of
the City Civil Judge at Bengaluru.

2. The suit for declaration and mandatory injunction is
dismissed. Hence, the plaintiff is before this Court. The relief
sought in the plaint reads as under:

*Wherefore, the plaintiff prays that this Hon'ble
Court may be pleased to:*



a) Direct the defendants to change the name of the plaintiff from Mohammed Imran to MI BRYAN in all the respective marks card/ marks sheets and other school, college and university certificate, statement and records which are maintained by the defendants under their custody and control.

b) Award costs of these proceedings and grant such other and further reliefs as this Hon'ble Court deems fit to grant in the circumstances of the case and in the interest of justice and equity.

3. Learned counsel for the plaintiff/appellant, on instructions from the party, would submit that the prayer to change the name of the plaintiff in the school records be confined to the 7th grade Certificate, SSLC Certificate, Provisional Certificate, Marks Statements, Migration cum Transfer Certificate issued by the Senior Secondary School.

4. **It is submitted that the appellant studied 7th Standard in Jame-Ul-Uloom School SJP Road, Bangalore. Karnataka English Higher Primary School officials are arrayed as defendants No.1 and 2*. The 10th certificate is issued by Karnataka Secondary Education Examination Board and said Institution has made a party as defendant No.3. The Senior Secondary School Certificate, Provisional Certificate and*



Migration cum transfer Certificate are issued by the National Institute of Open Schooling and said institution is arrayed as defendant No.4.

5. It is also claimed that the Plaintiff completed his graduation in Arts from Alagappa University which is defendant No.5.

6. It is submitted that the prayer for change of name is only confined to the aforementioned certificates issued by the aforementioned defendants/respondents.

7. The plaintiff claims that he is a permanent resident of Bengaluru born to his parents on 20.11.1984 who profess Islam. The plaintiff was named as "Mohammed Imran". Accordingly, his name is registered in the birth register maintained by the jurisdictional Registrar of Births and Deaths.

8. **The plaintiff claimed that he studied at Jume-Ul-Uloom English Higher Primary School, SJP Road, Bengaluru and he completed 7th Grade in March, 1997 with Registration No.02058068 and Marks Card was issued to him on 10.05.1997.*



9. **The plaintiff further claims that he completed 10th Standard in March, 2000 from Jume-UI-Uloom High School, SJP Road, Bengaluru under Registration No.151873.*

10. The plaintiff/appellant also claims that he completed his Senior Secondary School examination conducted by defendant No.4/respondent No.4 the National Institute of Open Schooling, having its Regional Center at Visakhapatnam. Appellant claims that his roll number was 010050113315.

11. It is the case of the plaintiff/appellant that, all his marks cards and other school records reflected his original birth name i.e. Mohammed Imran. The plaintiff further claims that he converted to Christianity and was duly baptized at Methodist Church, Indiranagar, Bangalore.

12. On 20.06.2008 post his conversion, the plaintiff is named as MI Bryan. The petitioner has also produced the certificate to evidence that he was baptized.

13. Post conversion to Christianity, the plaintiff has changed his name by following the procedure. The newspapers



advertisements evidencing change of names are produced at Annexures -K, L and M.

14. The plaintiff claims that he approached the respondent authorities to change the marks card and other records maintained by the respondent authorities in his new name post conversion to Christianity and it is submitted that the respondent authorities have not acceded to his request.

15. It is also disclosed in the plaint that O.S. No.26675/2015 (earlier suit) was dismissed for non-prosecution and the copy of the plaint in the said case and also the copy of the notice dated 08.09.2014 are also produced along with the plaint. Plaintiff also claims that he issued one more notice on 22.12.2017 under Section 80 of Code before filing the present suit.

16. Admittedly, the defendants have not responded to the notice issued under Section 80 of the Code and the suit is filed for the relief of mandatory injunction where the plaintiff seeks a direction to the defendants to change his name as *MI Bryan* instead of *Mohammed Imran*.



17. The defendants No.1 to 3 contested the suit. Rest of the defendants did not contest. The defendants No.1 to 3 primarily contented that name was changed with effect from the date mentioned in the affidavit dated 20.06.2008. Hence the plaintiff's name is named as MI Bryan with effect from 20.06.2008 and there cannot be an decree directing change of records which are issued prior to 20.06.2008 as sought by the plaintiff.

18. The Trial Court framed the issues as under:

- "1. Whether the plaintiff proves that he has abandoned his earlier name Mohammed Imran and changed his name as MI Bryan?
2. Whether the plaintiff proves that there is a cause of action for him to file a suit?
3. Whether the defendants No.1 to 3 prove that the suit is barred by limitation?
4. What decree or order?"

19. As far as Issue No.1 is concerned, the Court has held that, the plaintiff has abandoned his earlier name *Mohammed Imran* and changed his name as *MI Bryan*. As far



as the cause of action is concerned, the Court was also held that the suit is time-barred.

20. Aggrieved by the aforementioned judgment and decree, the plaintiff is before this Court.

21. Learned counsel appearing for the plaintiff/appellant would urge that, having held that the plaintiff has abandoned his name and embraced new name after embracing Christianity, the Court could not have dismissed the suit and should have directed the authorities to change the name of the plaintiff in the documents referred to above by deleting the earlier name "Mohammed Imran" and by incorporating the new name "MI Bryan".

22. The Trial Court has held that the plaintiff has changed his name on 20.06.2008 and he has later converted himself into Christianity and pursuant to change of name, he got his Aadhar card, PAN card and driving licence converted and changed in the year 2008 itself, and the suit is not filed within 3 years.



23. In addition to that, the Trial Court has also held that the plaintiff has not sought a declaration and without the relief of declaration, the suit is not maintainable.

24. Learned counsel for the plaintiff/appellant would also urge that in a suit of this nature the cause of action is recurring and the Trial Court has not noticed this aspect.

25. Learned Government Advocate would defend that, the suit is time barred and the suit without appropriate relief of declaration is not maintainable.

26. In addition to that, it is urged that the plaintiff having changed his name in the year 2008 is not entitled to seek the relief sought in the plaint for change of his school records issued before 2008 to his new name which is changed in the year 2008.

27. It is the contention that if such decree is passed, it would lead to confusion and it may create many complications in future as to the identity of the plaintiff.

28. The Court has considered the contentions raised at the Bar and perused the records.



29. The following points would arise for consideration:

- i) Whether the suit is time-barred?*
- ii) Whether the suit of this nature is maintainable without the relief of declaration?*

30. As already noticed, there is no dispute that the plaintiff has abandoned his earlier name "Mohammed Imran" and he has changed his name as "MI Bryan". On this aspect, the Court has held that the plaintiff has established his case that he has abandoned his name. This finding has attained finality.

31. The Court is also of the view that the procedure relating to change of name has been followed and the plaintiff's name has been changed from "Mohammed Imran" to "MI Bryan".

32. Now the question is; "*Whether the suit is time-barred?*"

33. The Trial Court is of the view that the suit should have been filed within 3 years from the date of the change of name. To support its view, the Trial Court has also referred to



the change in the Aadhaar card, the driving licence and the PAN card which have been changed in his new name as "MI Bryan" and this change has also happened in the year 2008 itself. Thus, the Trial Court held that the plaintiff had a knowledge that he was required to move necessary application for change of his name in the Marks Card and documents referred to above and suit not filed within 3 years from the date of knowledge is not maintainable.

34. This Court does not agree with the view taken by the Trial Court. In a suit of this nature, the cause of action is recurring. And apart from that, there is no mandate under any law to move the application for change of name in the marks card and other school records within prescribed period after change of name. As long as the law does not mandate any time frame for moving such application, the Trial Court could not have come to the conclusion that the suit is time barred.

35. The cause of action has arisen only after expiry of 2 months from the date of issuance of notice and since the cause of action being recurring, the finding of the Trial Court that the suit is time barred is not maintainable.



36. As far as the finding of the Trial Court that the suit without the appropriate relief of declaration is not maintainable is concerned, the Court is of the view that, the relief of declaration is not necessary in a case of this nature. The reason is the change of plaintiff's name from "Mohammed Imran" to "MI Bryan" is very much established. Nobody is disputing his change of name. Nobody is disputing his change of religion.

37. That being the position, there was no need for the plaintiff to seek any kind of declaration and the plaintiff has rightly not sought any kind of declaration and there is no denial relating his new status as "MI Bryan", who has embraced Christianity. That being the position, the Trial Court could not have dismissed the suit for want of declaratory relief.

38. Next question is; *"Whether the respondents are justified in contending that the change of name is recorded as sought by the plaintiff would create a confusion or complication and whether the defendants are justified in urging that the plaintiff is not entitled to change of school records which were issued prior to the change of name?"*



39. It is to be noticed that the plaintiff contends that he intends to pursue higher studies and when he applies for higher studies, he has to apply under his new name and he has to produce credentials relating to his new name. When other records namely the SSLC Marks Card, VII Marks Card, Migration Certificate and the degree certificate issued by the University are produced along with the application, there will not be co-relation between the records issued by the school, college and the University and the records like Aadhar, PAN which the plaintiff produces along with the application seeking admission. In such situation, the admission will be denied.

40. Under these circumstances, the Court is of the view that the appropriate direction has to be issued to the respondents to change the records by mentioning in the records that the records are changed pursuant to the Court order. The record should also reflect the old name as it stood then, for the purpose of clarity. If such care is taken it would resolve all the confusion or any complication that may arise by virtue of change of records.



41. Hence the Court is of the view that the appellant has made out a case for granting the decree.

42. Hence, the following:

ORDER

- (i) The appeal is ***allowed***.
- (ii) The impugned judgment and decree dated 26.03.2019 passed in O.S. No.1756/2018 on the file of the City Civil Judge at Bengaluru are set aside.
- (iii) The suit of the plaintiff is decreed.
- (iv) Respondents No.1 to 3 shall take steps to change the name of the plaintiff as ***MI Bryan*** in 7th Grade Certificate, SSLC Certificate respectively and in the new certificates to be issued, the old name ***Mohammad Imran*** is to be put in bracket and new name is to be mentioned with a note that the name has been changed pursuant to the Court Decree in RFA No.1410/2019 by this Court.
- (v) Respondent No.4 shall make similar changes in the Senior Secondary School Certificate, Marks Statements, Provisional Certificate and



Migration cum Transfer Certificate by with similar note as referred to above.

- (vi) Respondent No.5/University shall also carry out similar changes in the Statement of Marks, and Provisional Certificate with the note as stated above.
- (vii) There shall be a gazette notification relating to plaintiff's change of name as **MI Bryan** from **Mohamamd Imran**.
- (viii) The exercise shall be completed within 45 days from the date of the receipt of the copy of this order.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE