

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

S.A.No.846 of 2017

Date : 11-08-2017

Between:

Smt. Chenna Rajeshwari

.. Appellant

and

The State of A.P.

Represented by District Collector,
Visakhapatnam and others

.. Respondents

Counsel for appellant : Sri Jithender Rao Veeramalla
Counsel for respondents : --

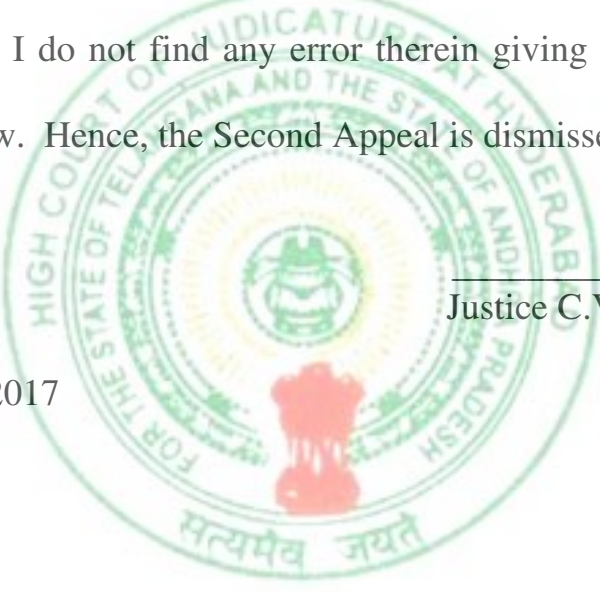


The Court made the following:

JUDGMENT:

The appellant, who was on the verge of her retirement as an employee of the Dredging Corporation of India Ltd., filed O.S.No.117 of 2009 for a declaration that her date of birth is 2-6-1954 but not 1-6-1950 as entered in the school records. In support of her plea, the appellant examined herself as PW-1 and also examined PW-2 and PW-3 and got Exs.A-1 to A-12 marked. Respondent No.2-Corporation, which has resisted the appellant's claim, examined DW-1 and got Exs.B-1 to B-8 marked. The learned I Additional Junior Civil Judge, Visakhapatnam, on appreciation of the oral and documentary evidence held that the suit filed for mere declaration regarding the correct date of birth without seeking the consequential mandatory direction for carrying out the correction in the Service Register, is normally not permissible under the provisions of the Specific Relief Act, 1963. The trial Court also took note of the admission made by the appellant as PW-1 that she does not have any statutory birth certificate issued by the municipal authorities. The appellant got Ex.A-5-Endorsement of the Superintendent of Police, Srikakulam, marked through PW-2, to substantiate her plea. Having considered the evidence of PW-2 who deposed that in the pension papers of the father of the appellant prepared in 1962, her age was mentioned as 10 years, the trial Court observed that if the said evidence is taken into consideration, the appellant would have had been born in 1952 but not in 1954. The trial Court has also considered the evidence of PW-3, who is

stated to be the son of the astrologer who prepared Ex.A-9-Horoscope of the appellant and observed that except stating that Ex.A-9 bears the writings of his father, he could not depose anything about the age of the appellant. The trial Court also observed that the very plea of the appellant that she was born in the year 1954 would appear incredulous, as, if the same is taken into consideration, she would have had passed the SSLC examination only at the age of 12 years. The lower appellate Court on reappreciation of the evidence on record dismissed the appeal filed by the appellant. Having carefully considered the reasons assigned by both the Courts below, I do not find any error therein giving rise to a substantial question of law. Hence, the Second Appeal is dismissed.



Justice C.V. Nagarjuna Reddy

Date : 11-08-2017

AM