

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA No.1298 of 2018 (O&M)
DATE OF DECISION : 12th MARCH, 2020**

Jogender Singh

.... Appellant

Versus

Board of School Education, Haryana, Bhiwani & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Ramender Chauhan, Advocate for the appellant.

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RAJBIR SEHRAWAT, J. (Oral)

1. This is second appeal filed by the unsuccessful plaintiff, challenging the concurrent judgments and decrees passed by the courts below, whereby the suit for declaration and mandatory injunction for correction of his name in the records, particularly, in the educational certificates; starting from middle class till post graduation, has been dismissed.

2. For the convenience, the parties are being referred to herein as the plaintiff and the defendants; as they were described in the original suit.

3. The brief facts giving rise to the present appeal, are that plaintiff had filed a suit for declaration that his actual name is Jogender Singh not Gogender Singh, as has wrongly been mentioned in Middle Standard certificate, Matriculation certificate, Senior Secondary certificate, B.A. degree course certificates and also in the Post Graduate Diploma in Computer Application certificate; and the same is not binding upon the rights of the plaintiff and is liable to be corrected. Accordingly,

the mandatory injunction for correction of the name of plaintiff as Jogender Singh instead of Gogender Singh was also sought. Upon notice, nobody appeared on behalf of defendants No.1 and 2 and they were proceeded *ex-parte*. Defendant No.3 initially appeared before the court but subsequently, even that was proceeded *ex-parte*.

4. To substantiate his assertion, the plaintiff himself appeared as PW-1 and tendered his affidavit. Besides this, PW-2 and PW-3 were also examined to prove that in the neighbourhood he is known by the name which he is seeking to be incorporated in the records now. Besides this; all the above said certificates were also placed on record.

5. Having heard the plaintiff and having appreciated the evidence led on file, the trial court dismissed the suit filed by the plaintiff. Feeling aggrieved against the same, the plaintiff preferred appeal before the lower Appellate Court. However even the same has been dismissed by the lower Appellate Court. Hence the present appeal has been preferred.

6. Arguing the case, learned counsel for the appellant has submitted that no prejudice would be caused to any person by correction of the name of the plaintiff in his own certificates. It is only the plaintiff, who is concerned with his name and he is seeking correction of the name in the documents, so as to avoid any problem in future. The courts below have wrongly dismissed the suit filed by plaintiff.

7. Having heard learned counsel for the appellant and having perused the record, this court does not find any substance in the argument of the counsel for the appellant. Both the courts below have dismissed the suit filed by the plaintiff on the ground of limitation, as well as, on the basis of operation of estoppel against the plaintiff. This court also

finds itself in agreement with the conclusion arrived at by the courts below. Undisputedly, the plaintiff had passed the middle standard examination way back in February, 1994. He had attained the majority in the year 1998. He had an option to file the suit within, at the best, three years after the date of attaining majority. However, the present suit has been filed by the plaintiff only in the year 2015. Hence, on the face of it, the suit filed by the plaintiff is hopelessly time barred. Not even any explanation has been furnished by the plaintiff as to why he could not have filed the suit earlier. Hence, there is no illegality or perversity in the finding recorded by the courts below qua the suit of the plaintiff being time barred. So far as the estoppel is concerned, needless to say, that before filing the present suit, the plaintiff has lived with the name for 36 years. Probably; he would not have been in a position to get the name corrected when he was a minor. However even after becoming major, he has obtained several higher educational qualifications. His name has been recorded in the record of all those qualifications, only as per the information furnished by the plaintiff himself. Hence, after such a long time, the plaintiff cannot be permitted to take a turn-around and upset the entire public record, by getting the name changed. Both the courts below have rightly upheld the operation of the estoppel against the plaintiff.

8. No other argument was raised. No substantial question of law has been pointed out by the counsel for the appellant.

9. In view of the above, finding no merit in the present appeal, the same is dismissed.

12th MARCH, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>

