



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

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**RSA-1173-2020 (O&M)
Date of decision : 14.01.2026**

Sarthak**..... Appellant**

versus

General Public and others**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. D.P.S. Bajwa, Advocate
for the appellant.

Mr. Kannan Malik, Advocate
for respondent No.2.

Mr. Hardeep Singh Poonia, Advocate and
Mr. Rajesh K. Sheoran, Advocate
for respondent No.3.

PANKAJ JAIN, J. (Oral)

1. Plaintiff is in second appeal.
2. Plaintiff filed suit seeking decree of declaration qua change in his name in the matriculation certificate issued by respondent No.2. He also sought change in father's name claiming that actual name of his biological father is 'Janak Raj' and not 'Amar Nath Gill'. Similar prayer was made with respect to mother's name as well. The suit was initially dismissed by the Trial Court. Lower Appellate Court however decreed the suit partly to the following extent:-

“34. Resultantly, the instant appeal filed by the appellant-plaintiff is hereby accepted partly with no order as to costs and impugned judgment and decree dated 01.08.2017 passed by the learned trial Court stands set-aside to the extent discussed above. Consequently, the suit of the plaintiff is also



decreed partly and a decree for declaration is hereby passed to the effect that the name of the biological father of the plaintiff is "Janak Raj" as mentioned in birth certificate. A decree for mandatory injunction is hereby also passed in favour of the plaintiff holding that the defendants-board are directed to add the name of "Janak Raj" biological father of the plaintiff by way of clarification in their records within a period of two months failing which, the plaintiff is at liberty to get executed this judgment through intervention of the Court. Decree-sheet be drawn accordingly.”

3. Plaintiff thereafter moved an application before the Lower Appellate Court under Section 152 CPC seeking correction in the judgment.

4. The application stands allowed vide order dated 02.08.2019 observing as under:-

“xx xx

As is clear from the judgment dated 24.08.2018, the present appeal was partly accepted with the relief that the name of the biological father of the plaintiff be also added and in pursuance of the same, a certificate was issued by adding the father name of the applicant-appellant as "Sarthak Gill S/o Amarnath Gill @ Janak Raj". It shows that Amarnath Gill @ Janak Raj is one and the same person but this is not the case of applicant-appellant as Amarnath Gill and Janak Raj are different persons and Janak Raj is the biological father of the applicant-appellant. As ordered by the learned Predecessor of this Court, the name of Janak Raj be also added in the certificate as prayed by the appellant i.e. **Amarnath Gill (Janak Raj biological father)**. So, the respondents are directed to add the name of '**Janak Raj**' as biological father of the applicant-appellant and not as 'Amarnath Gill @ Janak Raj'. So, necessary correction to this extent is allowed. Respondents are directed to comply the order of this Court within a period of two months from the date of receipt of the certified copy of this order. With these directions, the application in hand stands disposed of. Papers be tagged with the main appeal file and thereafter, appeal file be consigned to



the record-room, after due compliance.”

5. Counsel for the appellant has again reiterated the same prayer as made in the application which already stands allowed vide order dated 02.08.2019. No other point has been raised.
6. Mr. Malik submits that the modification in the decree prayed for, has already been granted vide order dated 02.08.2019 and since the Board has opted not to prefer any appeal, the Board is bound by the decree passed by the Lower Appellate Court.
7. In view of aforesaid facts and circumstances, the decree passed by the Lower Appellate Court stands modified to the extent that the father’s name in the matriculation certificate issued by respondent No.2 shall now stand substituted. Name of father of plaintiff shall be mentioned as Janak Raj instead of Amar Nath Gill.
8. With the aforesaid clarification, the appeal is disposed off.
9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

14.01.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No