



**IN THE COURT OF THE V ADDL.CHIEF METROPOLITAN
MAGISTRATE, BANGALORE CITY.**

PRESENT: SRI. VIJAYKUMAR.S. JATLA B.Sc. LL.B.,

V ACMM BENGALURU

DATED THIS THE 12th DAY OF SEPTEMBER-2023

Crl.Misc.No.4147/2023

Petitioners : 1) Sri. Veerabhadra.H
S/o. Hanumantharayappa. S.E,
Aged about 46 years
R/at No.383/9,
Someshwara Layout,
Hulimavu, Bennerghatta Road,
Bangalore-560076.

(By Smt. Pushpa Advocate)

- Vs -

Respondent : The Commissioner of BBMP
Registrar of Births & Deaths,
Bangalore.

(By Smt. Girija.B. Advocate)

ORDERS

The petitioner has filed this petition U/sec.13(3) of Registration of Births and Deaths Act, 1969 seeking to condone the delay in reporting birth of petitioner's son by



name V. Charan S/o. Veerabhadra.H and C.M.Kenchamma was born on 21.09.2013 in the petitioner's house R/at No.383/9, Someshwara Layout, Hulimavu, Bennerghatta Road, Bangalore-560076 and to give direction to the respondent to register the same in the birth register.

2. The brief facts of the case of petitioner's son by name V. Charan S/o. Veerabhadra.H and C.M.Kenchamma was born on 21.09.2013 in the petitioner's house R/at No.383/9, Someshwara Layout, Hulimavu, Bennerghatta Road, Bangalore-560076. After the birth of petitioners son, the petitioner did not comply the even of the birth of petitioner's son to the respondent due to ignorance of law and procedure. The petitioner further contended that now the petitioner need his son birth for his bona-fide use, when petitioner approached the respondent seeking birth certificate of petitioner's son, the respondent issued a endorsement, the cause of action arose to the petition from the respondent is given within the jurisdiction of this Hon'ble court. Hence, seeking directions from the court as prayed for.

3. After presentation of the petition, notice was issued to the respondent and appeared through counsel and filed objections contended that, the respondent repudiates all the contents of the petition except which are respectfully admitted. The above petition is wholly misconceived and as such liable to be dismissed in limine. The averments mentioned in the petition are not within the knowledge of this respondent, therefore the petitioner is put to strict proof the contents of the petition. Apart from the above, the petitioner has not produced any supportive documents to prove petitioner's case. This respondent submit that in the paragraph No.2 to 4 of the petition are not within the



knowledge of this respondent. Hence, petitioner is put to strict proof of the same with the cogent evidence. The present petition of the petitioner for the alleged reliefs are not all maintainable for the following reasons. Petitioner has not produced any relevant document to prove his case. There is no cause of action to file the instant petition and the alleged case of action is created only for the purpose of the filing of the petition. The petitioner never born within the jurisdiction of the Hon'ble court. When such being the case the petition is liable to be dismissed on the point of jurisdiction. All other allegations and contention which are not traversed are false frivolous and denied by the respondent. The documents produced by the petitioner are created, unreliable and insufficient to grant the relief claimed in the petitions. The petitioner has filed the above petition very casually without any sufficient materials and grounds. For the above said reasons the petitioner is not entitled to get the relief claimed in the petitioner. However, the respondent reserves the liberty to file additional objections if such situation arises. Hence, prays for dismissal of petition.

4. Petitioner got himself examined as PW-1 and got marked eight documents as ExP.1 to P.5. The respondent not adduced the evidence.

5. Heard the arguments.

6. The points that arise for my consideration are as under:

1. Whether the petitioner has made out sufficient grounds for allowing this petition?

2. What order ?



7. My findings on the above points are :

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the following :

: R E A S O N S :

8. **Point No.1:** The case of the petitioner and respondent is discussed as above. In order to prove the case the petitioner got examined himself as PW-1 and got marked three documents at Ex.P.1 to Ex.P.5 respectively. Ex.P.1 is the non-availability certificate, Ex.P.2 to Ex.P.4 are the notarized copies of Aadhar Cards of Petitioner and his wife and his son, Ex.P.5 is the copy of Study Certificate issued by Holy Spirit School ICSE. In order to disprove the case of the petitioner, the respondent not adduced evidence. From the record it is seen that petitioner's son by name V. Charan S/o. Veerabhadra.H and C.M.Kenchamma was born on 21.09.2013 in the petitioner's house R/at No.383/9, Someshwara Layout, Hulimavu, Bennerghatta Road, Bangalore-560076. There was no registration as per the non-availability certification at Ex.P.1. The respondent has not adduced any evidence to disprove the claim of the petitioner. Hence, this court does not find any reasons to disbelieve the evidence of the PW-1. The petitioner made out the valid and justifiable grounds to allow the petition as prayed for. In the light of the above reasons, **I answer point No.1 in affirmative.**

9. **Point No.2:** As I have answered point No.1 in the affirmative, I proceed to pass the following:

ORDER

Petition filed by the petitioner
U/sec.13(3) of Registration of Births and



Deaths Act, 1969 is hereby allowed. The delay caused in reporting the date of birth is condoned.

The respondent is hereby directed to register the date of birth of petitioner's son by name **V. Charan S/o. Veerabhadra.H and C.M.Kenchamma** was born on **21.09.2013** in the petitioner's house R/at **No.383/9, Someshwara Layout, Hulimavu, Bennerghatta Road, Bangalore-560076** in the register of birth. The petitioner is hereby directed to pay prescribed fee and penalty to the respondent as required under the law.

(Dictated to the stenographer, on computer, computerized and print out taken by her, corrected, signed by me in the open court on this 12th day of September, 2023).

(VIJAYKUMAR.S. JATLA)
V A.C.M.M., BANGALORE

ANNEXURE

List of witnesses examined for the Petitioner :

PW.1 : Sri. Veerabhadra. H

List of Documents marked for the Petitioner :

Ex.P1 : Endorsement issued by the
Commissioner, BBMP.



Ex.P 2 to 4: Notarized copies of Aadhar Cards

Ex.P5 : Notarized copy of Study certificate

List of witness examined for the Respondent :

NIL

List of Documents marked for Respondent :

NIL

(VIJAYKUMAR.S. JATLA)

V A.C.M.M., BANGALORE