

The petitioner states that she was **born on 10/03/1970**. Her family members were ignorant about the legal procedure of reporting and registering her date of birth before the competent authority and hence fact of birth of petitioner was not reported to the Respondent authority. When the petitioner approached the respondent to get her birth certificate, the respondent has issued Non-availability certificate. Now, petitioner is intending to register the event of her birth in the records maintained by the respondent, as she is in need of his birth certificate for bonafide purpose. Hence, she filed present petition.

3. After registration of the petition, notice was issued to respondent and it was duly served, but respondent does not chose to appear before this court and he was placed ex parte.

4. Now following points would arise for my consideration:

1) Whether the petitioner has made out sufficient grounds to allow the petition?

2) What order?

5. Petitioner was examined as PW.1 and Ex.P.1 to Ex.P.4 are marked.

6. I have heard the arguments and perused the records.

7. My answer to the above points are as under:

Point No.1: In the affirmative

Point No.2: As per final order,

for the following:

REASONS

8. POINT No.1:- This petition is filed stating that date of birth of the petitioner was not entered in the register maintained by the respondent authority.

9. The petitioner had claimed that due to lack of knowledge and ignorance by her family members they could not intimate the fact of her birth to the respondent authority within a reasonable period. Now, when she has approached the respondent authority seeking her birth certificate they have issued endorsement stating that the event relating to her birth was not registered in their register.

10. To prove this fact, the petitioner filed her chief examination affidavit reiterating averment made in the petition and was examined as PW.1. In support of her oral evidence got marked Ex.P.1 non-availability certificate issued by the respondent, Ex.P.2 to 4 are the notarized copies of Pan Card, Voters ID and Ration Card of the petitioner. The entries in the aforesaid documents reveals that the petitioner is the daughter of Shivanna and the said documents corroborates with petitioner version. Ex.P2 to P.4 are issued from the

competent authority and its genuinity cannot be doubted and deserves to be accepted. The entries in the aforesaid Ex.P.2 reveals and establishes that the petitioner's was born on **10/03/1970.**

11. The non-availability certificate issued by the respondent is marked as Ex.P1. It reveals that the date of birth of petitioner was not registered in their records. Petitioner alleged that, she is intending to register the event of her date of birth, for bonafide purpose. The purpose of filing of this petition and the documentary evidence on records remains un-impeached and unbuttered and same cannot be doubted and deserves to be believed. Considering entire material on record it is clear that date of birth of petitioner by name Smt.Rukmini.S was not entered in the concerned register maintained by the respondent and hence it is necessary to direct the respondent to enter the date of birth of the petitioner in the concerned register after collecting proper fee. Accordingly, Point no.1 is answered in the **Affirmative.**

12. POINT No.2: For the reasons assigned for point No.1, I proceed to following:-

ORDER

The petition filed by the petitioner u/S.13(3) of the Karnataka Registration of Births and Deaths Act, 1969 is hereby allowed.

Respondent is hereby directed to register/enter the date of birth of the petitioner Smt.Rukmini.S D/o.Shivanna and Smt.Chikka Ramamma as **10/03/1970** in their register and to issue birth certificate to the petitioner by collecting necessary fees if any.

[Dictated to the stenographer directly on computer, corrected by me and then pronounced in the open court on 2nd August 2023].

(PUSHPALATHA.K)

XXXVIII A.C.M.M. BENGALURU.

ANNEXURES:**1) No. of witnesses examined on behalf of the petitioner/s:**

PW-1 : Smt.Rukmini.S D/o.Shivanna

2) No. of documents marked on behalf of the petitioner/s:

Ex.P1 : The Non availability certificate.

Ex.P2,3,4 : Notarized copies of Pan Card, Voters ID and Ration card of the petitioner.

3) No. of witnesses examined and documents marked on behalf of the respondent/s:

- NIL -

(PUSHPALATHA.K)

XXXVIII A.C.M.M. BENGALURU.

Orders pronounced in the open court vide separate orders.
The operative portion of the order reads thus;

ORDER

The petition filed by the petitioner u/S.13(3) of the Karnataka Registration of Births and Deaths Act, 1969 is hereby allowed.

Respondent is hereby directed to register/enter the date of birth of the petitioner Smt.Rukmini.S D/o.Shivanna and Smt.Chikka Ramamma as **10/03/1970** in their register and to issue birth certificate to the petitioner by collecting necessary fees if any.

XXXVIII A.C.M.M.,BENGALURU.

