

**IN THE COURT OF THE XXVI ADDL. CHIEF METROPOLITAN
MAGISTRATE, AT BENGALURU**

Dated this the 25th day of July 2023

Present: Sri.C.S.SHIVANAGOUDRA, B.COM., LLM
XXVI Addl. Chief Metropolitan Magistrate,
Bengaluru.

Crl. Misc. No. 3858 / 2023

Petitioner: Deepa G,
w/o. Raghunandhan,
Aged about 36 years,
R/at No.118,
S S Residency, 2nd Cross,
Dwarkanagar,
Near Honda Show Room,
Channasandra, R R Nagar,
Bengaluru - 560 098
(By Sri.S.A. - Adv)

- Vs -

Respondent The Commissioner,
Registrar of Births & Deaths,
BBMP
Bangalore
(Exparte)

ORDER

The petitioner has filed a petition U/s. 13(3) of Registration of Births and Deaths Act 1969, seeking direction to the respondent to enter her son's date of birth in the register maintained by the respondent.

2. The brief facts of the petitioner's case is as follows:-

The petitioner's son was born on 03.05.2020. Petitioner has not

registered her son's date of birth in the records of Corporation of the City of Bengaluru. Now the petitioner is in need of her son's birth certificate. For the same when petitioner has approached the respondent, the office of the respondent reported that the event of birth of petitioner's son is not registered. Hence, the petitioner filed the present application.

3. Summons issued to the Respondent. Despite service of notice, respondent did not appear. Accordingly respondent placed exparte.

4. Heard both sides

5. The following points arise for my consideration:

1) Whether petition deserves to be allowed?

2) What order?

6. The petitioner got herself examined as PW-1 and got marked Ex.P-1 to 5. The respondent has not chosen to lead either oral or documentary evidence on her behalf.

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

Point No.1 : In Affirmative

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

REASONS

8. **Point NO.1 :-** The petitioner deposed before the court that, petitioner's son was born on **03.05.2020 at Bharath Nursing Home, J P Nagar, Bengaluru - 560 098** in this regard she has produced Non availability Certificated issued by BBMP as per Ex.P1, notary attested

copies of her and her husband's aadhar cards as per Ex-P2 & 3, birth report as per Ex.P4, Letter given by hospital as per Ex.P5. Similarly, the event of birth of the petitioner's son is not registered in the office of the respondent is clear from the contents of Ex.P1. In order to prove the date of birth of petitioner's son, petitioner has produced Ex.P4 i.e Birth report of her son. I have perused the said document, the date of birth of the petitioner's son is mentioned as **03.05.2020** even though the notice served on respondent, the respondent has not contested the case. There are no grounds to disbelieve case of the petitioner. Therefore, I am of the opinion that the petitioner has made out a case for issue of direction to the respondent to enter the date of birth of her son **RIYAANSH RAGHUNANDAN RAO S/O. RAGHUNANDAN B M AND SMT.DEEPA G.** born on **03.05.2020 at Bharath Nursing Home, J P Nagar, Bengaluru - 560 098** in the register of the births maintained by the respondent. Considering these aspects, I answered Point No.1 in the Affirmative.

9.Point No.2 : In the result, I proceed to pass the following:-

ORDER

Petition filed by the petitioner U/s. 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to make necessary entries in the register maintained in the office of the respondent to the effect that the petitioner's son by name **RIYAANSH RAGHUNANDAN RAO S/O. RAGHUNANDAN B M AND SMT.DEEPA G.** born on **03.05.2020 at Bharath Nursing Home, J P Nagar, Bengaluru - 560 098.**

The respondent is at liberty to collect the late
Registration fee.

(Online dictation given to the Stenographer, and print out taken by her is verified and then pronounced by me in the open Court on this the 25th day of July 2023).

XXVI Addl. Chief Metropolitan
Magistrate, Bengaluru City.

ANNEXURE

List of witnesses examined on behalf of the petitioner:

PW.1 Deepa G

List of documents exhibited on behalf of the petitioner:

Ex.P.1 Non-availability Certificate.
Ex.P.2 & 3 Notarized copy of Aadhar cards.
Ex.P.4 Birth Report.
Ex.P.5 Letter

List of witnesses examined on behalf of the respondent : Nil

List of documents exhibited on behalf of the respondent : Nil

XXVI Addl. Chief Metropolitan Magistrate,
Bengaluru City.

25.07.2023

(Vide separate order pronounced in the Open Court)

ORDER

Petition filed by the petitioner U/s. 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to make necessary entries in the register maintained in the office of the respondent to the effect that the petitioner's son by name **RIYAANSH RAGHUNANDAN RAO S/O. RAGHUNANDAN B M AND SMT.DEEPA G.** born on **03.05.2020** at **Bharath Nursing Home, J P Nagar, Bengaluru - 560 098.**

The respondent is at liberty to collect the late Registration fee.

XXVI Addl. Chief Metropolitan
Magistrate, Bengaluru City.