

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

Dated this the 2nd day of August 2023

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

Crl. Misc. No. 4448 / 2023

Petitioner:

Thanushree R,
Minor in Age, Rep by Natural
Guardian
Sri.Ramu - Father
S/o. Venkataramanappa
Aged about 48 years,
R/at No.659, 12th Cross, 8 Main,
Kumarswamy Layout, 2nd Stage,
Bangalore - 5460 078
(By Smt.Umadevi Adv)

- Vs -

Respondent

The Registrar of BBMP,
Births & Deaths,
Bangalore

(Exparte)

ORDER

The petitioner is represented by her father and natural guardian and he has filed a petition U/s. 13(3) of Registration of Births and Deaths Act 1969, seeking direction to the respondent to enter his daughter'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 daughter was born on **15.11.2007**. Petitioner has not registered his daughter's date of birth in the records of Corporation of the City of Bengaluru. Now the petitioner is in need of his daughter'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 daughter 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's natural guardian got himself examined as PW-1 and got marked Ex.P-1 to 4. The respondent has not chosen to lead either oral or documentary evidence on his 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's SPA holder deposed before the court that, his daughter was born on **15.11.2007 at No.659, 12th Cross, 8th Main, Kumarswamy Layout, 2nd Stage, Bangalore - 560 078** in this regard he has produced Non availability Certificated issued by BBMP as per Ex.P1, his and his wife's notary attested copies of aadhar copy as per Ex.P2 & 3, notary attested copy of study certificate as per Ex.P4. Similarly, the event of birth of the petitioner's daughter 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 daughter, petitioner has produced Ex.P4 i.e. study certificate. I have perused the said document, the date of birth of the petitioner is mentioned as **15.11.2007** 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 his daughter **THANUSHREE R. D/O. RAMU AND RADHA** born on **15.11.2007 at No.659, 12th Cross, 8th Main, Kumarswamy Layout, 2nd Stage, Bangalore - 560 078** 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 daughter by name **THANUSHREE R. D/O. RAMU AND RADHA** born on **15.11.2007** at **No.659, 12th Cross, 8th Main, Kumarswamy Layout, 2nd Stage, Bangalore - 560 078**

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 2nd day of August 2023).

XXVI Addl. Chief Metropolitan
Magistrate, Bengaluru City.

A N N E X U R E**List of witnesses examined on behalf of the petitioner:**

PW.1 Venkateswarlu T

List of documents exhibited on behalf of the petitioner:

Ex.P.1 Non-availability Certificate.
Ex.P.2 Notarized copy of study certificate
Ex.P.3 to 5 Notarized copies of aadhar cards

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.

02.08.2023

(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 daughter by name **THANUSHREE R. D/O. RAMU AND RADHA** born on 15.11.2007 at No.659, 12th Cross, 8th Main, Kumarswamy Layout, 2nd Stage, Bangalore - 560 078

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

XXVI Addl. Chief Metropolitan
Magistrate, Bengaluru City.

