

KABC030071942023



**IN THE COURT OF THE XIX ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.**

PRESENT:SRI.FAROOQ ZARE.

B.A(Law)LL.B.L.L.M.

XIX ADDL.C.M.M., BENGALURU.

DATED THIS THE 6th DAY OF MARCH 2023

CRIMINAL MISCELLANEOUS NO.833 of 2023

Petitioner :- Ameeruddin
Minor in age Rep. by father,
Nizamuddin
S/o Mohammed Sueb,
Aged about 49 years,
R/at No.10617, Pillaganahalli,
Near Aqsa Masjid, Bannerghatta Road,
Cross, **Bengaluru-560083.**

(By Saraswathi Advocate)

-V/s-

Respondent :- The Commissioner

Registrar of Births & Deaths,
B.B.M.P., Bangaluru.

(**Exparte**)

ORDER

1. The father of minor petitioner has filed this petition under Section 13(3) of Karnataka Registration of Birth and Death Act 1969 for entering minor petitioner's date of birth in the register maintained by the office of the respondent.

2. In the petition it is stated that, the minor petitioner by name **Ameeruddin** was born on **01.01.2007** in Bengaluru. The birth event of his was not entered in the register maintained by the respondent in their office. The minor petitioner needs his birth certificate for family documentation purpose. It is stated that the minor petitioner's father submitted an application to respondent for issuing birth certificate for which respondent issued a non-availability

certificate. For the reasons stated supra petitioner prays to allow the petition.

3. The notice was issued to the respondent and same was duly served but respondent remained absent before the court and placed exparte. Thereafter, the case was posted for evidence. The minor petitioner is represented by his father has got examined himself as PW1 in his oral evidence has reiterated petition averments and got marked Ex.P1 to Ex.P3. Since the respondent placed exparte, the evidence of PW1 is remained unchallenged.

4. Heard the arguments and perused the records.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is
deserved to be allowed ?

Point No.2: What order?

6. My findings to the above points are as here under;

Point No.1: In the **Affirmative.**

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

R E A S O N S

7. **Point No.1:-** The minor petitioner's father has stated that, his minor son was born on 01.01.2007. The birth certificate is required for the sake of documentation. He approached the respondent for availing the birth certificate but respondent gave an endorsement that the event of birth of said minor petitioner is not entered in the register and issued non-availability certificate at Ex.P1. The respondent remained absent and placed exparte. The averments of the petition and evidence of PW1 and documentary evidence at Ex.P1 to Ex.P3 are remained unchallenged.

Ex.P3 notarized copy of Aadhaar Card discloses that the date of birth of minor petitioner is **01.01.2007** and there are no grounds to disbelieve the case of the petitioner. The very object of the Karnataka Registration of Birth and Death Act 1969 is to enter the registration of births and deaths in the concerned register. Therefore, the point No.1 is answered in the **Affirmative.**

8. **Point No. 2:** In view of my findings to the point No.1, I proceed to pass the following;

O R D E R

The petition is **allowed.**

The respondent is hereby directed to enter the date of birth of minor petitioner by name **Ameeruddin S/o Nizamuddin** and **Smt.Rahamathi Kathoon**, as he was born on **01.01.2007**, in the concerned register

and issue birth certificate accordingly on
collecting necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected
by me and then pronounced in the Open Court on 6th March, 2023.)

(Farooq Zare)
XIX A.C.M.M., BENGALURU.

:: A N N E X U R E ::

I. List of witnesses examined by petitioner:-

PW.1 :- Nizamuddin.

II. List of exhibits marked by respondent:-

Ex.P1 :- Non-availability certificate.

Ex.P2 & Ex.P3 :- Notarized copies of Aadhaar Cards.

III. List of witnesses examined by respondent:- -NIL-

IV. List of exhibits marked by respondent:- - NIL-

(Farooq Zare)
XIX A.C.M.M., BENGALURU.