

**IN THE COURT OF XXXVI ADDITIONAL CHIEF
METROPOLITAN MAGISTRTE, BENGALURU**

**Present: Sri.Nitin Yeshwanth Rao,
B.Com., L.L.B., Spl.,
XXXVI ACMM., Bengaluru.**

Dated this the 4th day of July 2023

Cri.Misc.No.3724/2023

Petitioner: Mohammed Umar Ansari
Since Minor,
Rep: by her natural guardian
Allauddin Ansari
S/o Yar Mohammed,
Aged about 36 years,
R/at:No.115/1, 1st Main Road,
Shampura, BBMP Park,
New Extension,
Bengaluru.

(By Smt.SS. Adv.,)

V/S

Respondent: The Commissioner of BBMP,
Registrar of Births and Deaths,
Bengaluru.

(Exparte)

ORDER

The petition is filed by the petitioner U/s.13(3) of the Birth and Death Registration Act, praying to direct the respondent to make an entry of the date of birth of the petitioner's son by name Mohammed Umar Ansari D/o Alluddin Ansari and Begum Khatoon as on 5/9/2012 in the Birth Register maintained by the respondent.

2. The brief facts of the case of the petitioner are as under:

That he is a permanent resident of No.115/1, 1st Main Road, Shampura, BBMP Park, New Extension, Bengaluru. By oversight, inadvertence and bonafide mistake, the date of birth of Petitioner's son by name Mohammed Umar Ansari D/o Alluddin Ansari and Begum Khatoon as on 5/9/2012 was not brought to the notice of the respondent. As such there is no entry in the concerned Birth Register maintained by the respondent. The petitioner knew this fact when he

went to take the Birth Certificate.. Hence, prayed to allow the petition.

3. After service of notice respondent has not appeared and placed exparte.

4. The petitioner examined himself as P.W.1 and got marked 4 documents at Ex.P1 to Ex.P4 and closed her side.

5. The points that arise for my consideration of the Court are:

1. Whether the petitioner has made out grounds to register date of birth of petitioner's daughter as 5/9/2012 in the register as maintained by respondent?

2. What order?

6. My findings on the above points are as follows:

Point No.1: In the Affirmative

Point No.2: As per final order

for the following:

::REASONS::

7. **Point No.1**: The petitioner in order to prove his case examined himself as P.W.1 and got marked 4 documents at Ex.P1 to Ex.P4. P.W.1 in his evidence stated that petitioner's son has born on 5/9/2012 at Bengaluru. It is pleaded that when he has approached Birth Registrar for the purpose of getting Birth Certificate, but respondent has not registered date of birth in concerned Register. It is further contended that he has not informed the date of birth of his son due to un-awareness of the law. Ex.P.1 is the Non-Availability Certificate issued by the respondent wherein it is mentioned that date of birth of petitioner's son is not recorded in concerned Register. He has also produced notarised copies of Aadhaar Cards and Study Certificate, which are marked at Ex.P2 to Ex.P4.

8. On perusal of the affidavit and the documents produced by the petitioner. It appears from the

records that the petitioner has no malafide intention. Hence, it is just and necessary to direct the respondent to enter the date of birth of petitioner's son by name Mohammed Umar Ansari D/o Alluddin Ansari and Begum Khatoon as on 5/9/2012 in the Birth Register maintained by the respondent. Hence, this Court answered the above Point No.1 in the Affirmative.

9. **Point No.2:** In view of the above reasons given on Point No.1, this Court proceeds to pass the following:

ORDER

The petition filed by the petitioner U/s.13(3) of Birth and Death Registration Act, is allowed with no order as to costs.

The respondent is directed to enter the date of birth of the petitioner's son by name Mohammed Umar Ansari D/o Alluddin Ansari and Begum Khatoon as on 5/9/2012 in the concerned Birth Register and issue

Birth Certificate after collecting the late fee.

(Dictated to the Stenographer, transcript computerized by her revised, corrected and then pronounced in the Open Court on this 4th day of July 2023).

(Nitin Y. Rao),
XXXVI ACMM.,
Bengaluru.

::ANNEXURE::

1. List of Witnesses examined on behalf of the Petitioner:

PW1 : Allauddin Ansari

2. List of Documents exhibited on behalf of Petitioner:

Ex.P1: Non Availability Certificate

Ex.P2 &3: Notarised copies of Aadhar Cards

Ex.P4: Notarised copy of Study Certificate

3. List of Witness examined on behalf of Respondent:

-NIL-

4. List of Documents exhibited on behalf of Respondent:

-NIL-

XXXVI ACMM.,
Bengaluru.