

IN THE COURT OF THE XV ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE, BENGALURU CITY

Dated:- This the 30th day of June, 2023

Present: Sri.N.M.RAMESHA, B'com, L.L.M
XVI Addl.C.M.M., Bengaluru City &
C/c of XV ACMM, Bengaluru.

Case No. : **C.Misc.No.3725/2023**

Petitioner : **Shorya Krishna**
S/o Krishna Murthy. D S
Since Minor,
Represented by his father
Sri. Krishna Murthy. D.S
S/o Srinivasaiah,
Aged about 43 years
R/at No.30/1, 4th Cross
1st Main, Kottige Palya,
Magadi Main Road,
Bengaluru- 560 091.

(By Sri B.L Jayarama., Adv.,)

- Vs -

Respondent : **The Chief Registrar Births
and Deaths**
Office of the Commissioner
BBMP
Bangalore.

(By Smt. Girija.B., Adv.,)

Date of order : 30.06.2023

O R D E R

The Petitioner has filed this petition U/s 13(3) of Karnataka Registration of Births and Deaths Act 1969 to direct the respondent to enter the date of birth of the his son as 27.04.2020 in the concerned birth register and to issue birth certificate.

2. The case of the petitioner in brief is as under:-

The petitioner's son was born on 27.04.2020 and he is in need of birth certificate of his son for the documentation purpose. Petitioner do not have knowledge of procedures in obtaining the birth certificate. For want of knowledge and information, legal obligation could not be complied in time. He has approached the respondent for the same, the respondent has issued an endorsement. Hence the petitioner has approached the court by filing the petition. Hence this petition.

3. On service of notice, the respondent has appeared before this court through his learned counsel and has filed objections denying the material averments made in the petition. The petitioner has been called upon

to prove the material averments made in the petition. The material averments made in the petition are not within the knowledge of respondent. The petition is stated to be misconceived. The Petitioner has not produced any supportive documents to prove his case. The relief sought in the petition is stated to be not maintainable. The alleged cause of action is stated to be imaginary. The documents produced by the Petitioner are all created and insufficient to grant the relief claimed in the petition. It is on these grounds, the respondent has prayed for dismissal of the petition.

4. In order to prove his case, the Petitioner got himself examined as PW-1 and got the documents marked as **Ex.P1 to P.4**. The respondent did not choose to adduce any evidence on his behalf.

5. I have heard the arguments of learned counsel for both the sides and perused the oral and documentary evidence placed on record.

6. Now the points that would arise for my consideration are as under:-

1. Whether the petition filed by the petitioner under the provisions of Sec.13(3) of the

Karnataka Registration of Births and Deaths Act is deserves to be allowed?

2. What Order?

7. On considering the evidence on record, now 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**: The petitioner has filed this petition under the provisions of Sec.13(3) of Karnataka Registration of Births and Deaths Act of 1969 seeking direction to the respondent to enter the date of birth of his son as 27.04.2020 in the concerned Birth Register.

9. The petitioner has filed his affidavit in chief examination wherein he reiterated and reaffirmed the contents of the petition. The petitioner has produced Non-availability certificate, Notarized copy of hospital certificate, Notarized copies of Aadhar Cards of wife of

PW.1 and himself and they are marked as per **Ex.P.1 to P.4** through the evidence of PW.1.

10. PW-1 in his cross-examination has denied the suggestion that the documents produced by himself are all fake documents. Further, he has denied the suggestion that he is deposing false evidence before the court. However, the respondent has not adduced any oral evidence and also not produced any documentary evidence on his behalf.

11. On the other hand, the documents produced by the Petitioner as per **Ex.P1 to P4** reveals that, the date of birth of the **Petitioner's son by name Shorya Krishna , S/o. Sri. Krishna Murthy. D.S and Smt. Roopa. S** is **27.04.2020**. But it has not been entered in the concerned birth register. The date of birth of the petitioner's son is mentioned as 27.04.2020 in the public documents. The date of birth as sought for in the petition and the date of birth as mentioned in the public document at Ex.P.2 is one and the same. Hence, there are no reasons to disbelieve or to discard the oral evidence

of PW.1 and documentary evidence at Ex.P.1 to P.4. Under these circumstances, if the respondent is directed to enter the date of birth of the petitioner's son as 27.04.2020 in the concerned register and then to issue the birth certificate to the petitioner, then it would meet the ends of justice. Therefore the petition is deserves to be allowed. Hence for the reasons discussed above, I answer Point No.1 in the Affirmative.

12. POINT No.2: In view of my findings on point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner under the provisions of Sec.13(3) of Karnataka Registration of Births and Deaths Act 1969 is hereby allowed.

The Respondent is hereby directed to enter the date of birth of the **Petitioner's son by name Shorya Krishna S/o. Sri. Krishna Murthy D.S and Smt. Roopa. S** is **27.04.2020** in the concerned Birth Register and issue the Birth Certificate of the

Petitioner, after collecting the prescribed fee, as per law.

It is made it clear that, this order and direction issued to respondent is binding on the parties to the proceedings only.

(Directly dictated to the stenographer online, printout taken by her, verified, corrected and then pronounced by me in the open Court on this the 30th day of June, 2023).

(SRI.N.M.RAMESHA),
C/c of XV ACMM, Bengaluru City.

ANNEXURE

1. List of witness/s examined on behalf of the Complainant:-

P.W.1 : Sri. Krishna Murthy. D.S

2. List of documents exhibited on behalf of the Complainant:-

- Ex.P.1 : Non-availability Certificate
Ex.P.2 : Notarized copy of the hospital certificate
Ex.P.3 : Notarized copy of the Aadhar Card of wife of PW.1
Ex.P.4 : Notarized copy of Aadhaar card of PW.1

3. List of witness/s examined on behalf of the Accused:-

- Nil-

4. List of documents exhibited on behalf of the Accused:-

- Nil-

(SRI.N.M.RAMESHA),
C/c of XV ACMM, Bengaluru City.

30.06.2023

**Order pronounced in Open Court
(Vide separate order)**

ORDER

The petition filed by the petitioner under the provisions of Sec.13(3) of Karnataka Registration of Births and Deaths Act 1969 is hereby allowed.

The Respondent is hereby directed to enter the date of birth of the **Petitioner's son by name Shorya Krishna S/o. Sri. Krishna Murthy D.S and Smt. Roopa. S** is **27.04.2020** in the concerned Birth Register and issue the Birth Certificate of the Petitioner, after collecting the prescribed fee, as per law.

It is made it clear that, this order and direction issued to respondent is binding on the parties to the proceedings only.

C/c of XV ACMM, Bengaluru City.