

KABC030253022023



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 8th AY OF SEPTEMBER 2023

CRIMINAL MISCELLANEOUS NO.3727 of 2023

Petitioner :- Irfan Pasha
Minor Represented by his mother
Smt.Sameena Banu
W/o Sadiq Pasha.D
Aged about 35 years,
R/at No.171, 6th Main Road,
7th Cross, Okalipuram, Srirampuram,
Bengaluru-560029.

(By Smt.Sarawathi Advocate)

-V/s-

Respondent :- The Commissioner of B.B.M.P

Registrar of Births & Death,
Bangaluru.

(Exparte)

ORDER

1. The mother 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 **Irfan Pasha** was born on **16.02.2011** in Bengaluru. The birth event of his was not entered in the register maintained by the respondent in their office. He needs birth certificate for bonafide use. It is stated that his mother 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 mother has got examined herself as PW1 and in her oral evidence has reiterated petition averments and got marked Ex.P1 to Ex.P3.

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:

REASONS

7. **Point No.1:-** The minor petitioner's mother has stated that, her son viz., Irfan Pasha was born on 16.02.2011. She approached the respondent for availing the birth certificate but respondent gave an endorsement that the event of birth of her son is not entered in the register and issued non-availability certificate at Ex.P1. Since the respondent placed exparte, the averments of the petition, evidence of PW1 and documentary evidence at Ex.P1 to Ex.P3 are remained unchallenged. **Ex.P2** notarized copy of Aadhar Card discloses that the date of birth of minor petitioner is **16.02.2011** 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 **Irfan Pasha S/o Sadiq Pasha.D** and **Smt.Sameena Banu**, as he was born on **16.02.2011**, 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 8th September 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 :- Sameena Banu.

II. List of exhibits marked by petitioner:-

Ex.P1 :- Non-availability certificate.

Ex.P2 & Ex.P3 :- Notarized copies of Aadhar 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.