

**IN THE COURT OF XLI ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE, AT : BENGALURU**

PRESENT: SMT. TATTANDA DAMAYANTI SOMAYYA

B.A., LL.B.,

Additional Chief Metropolitan Magistrate
Bengaluru

Dated on this 25th day of November 2022

Crl.Misc.No. 6495/2022

PETITIONER : **Keerthana.M**
D/o. Mallesh.M,
Aged about 19 years,
R/at. No.54, 14th cross,
Near Central Jail
Parappana Agrahara,Bengaluru.

[Rep.By Smt.Manjula.R Advocate]

-V/s-

RESPONDENT : **The Commissioner of BBMP,**
Registrar of Births and Deaths,
Bengaluru.
[Respondent placed exparte]

O R D E R S

The petitioner has filed this petition Under Section 13[3] of Birth and Death Registration Act 1969 and prays the Court to direct the respondent to enter her date of birth as 25.10.2004 in the registers concerned.

2. It is the case of the petitioner that, she is the daughter of Sri.Mallesh.M and Smt.Sudha.C. She was born on 25.10.2004 at No.54, 14th Cross, Near Central Jail- Parappana Agrahara, Bengaluru-560100. She has been named as Keerthana.M D/o. Mallesh.M. Due to lack of knowledge neither her parents nor her family members informed her date of birth to the respondent well in time to enter the same in the birth registers. Now she is in need of her Birth certificate for her further studies. When she filed an application to obtain her birth certificate, the respondent issued a non availability certificate stating that her date of the birth is not registered in the concerned registers. Accordingly, she prayed the Court to allow her petition and thereby direct the respondent to enter her date of birth in the concerned registers.

3. After filing of this petition by the petitioner, this court issued notice to the respondent. In spite of service of notice, the respondent did not appear before the Court and hence, he was placed Exparte.

4. In order to prove her case, the petitioner got examined herself as PW.1 and got marked Ex.P.1 to Ex.P.5 documents. With this, she closed her side of evidence. As, the respondent is placed exparte, the matter was not posted for his evidence.

5. I have heard the arguments of petitioner's counsels.

6. On the basis of the contentions taken by the petitioner in her petition, the following points arise for my consideration:

1. Whether the petitioner has made out the grounds to direct the respondent to enter her date of birth as 25.10.2004 in the registers concerned?

2. What order?

7. On the basis of pleadings, oral and documentary evidence placed before the Court, my findings to the above points are as under:

Point No.1 : In affirmative

Point No.2 : As per final orders for the following:

REASONS

Point No.1:

8. The petitioner approached this Court with a prayer to direct the respondent to enter her date of birth as 25.10.2004, who

was born at No.54, 14th cross, Near Central Jail, Parappana Agrahara, Bengaluru-560100.

9. In order to substantiate her contentions, the petitioner got examined herself as PW.1 and got marked the non availability certificate as Ex.P.1, study certificate as Ex.P.2, notarized copy of her aadhar card as Ex.P.3, notarized copies of the aadhar cards of her parents as Ex.P.4 and 5 respectively. The chief examination of PW.1 is nothing but the reiteration of the petition averments.

10. In this case, the respondent has not appeared before the Court to admit or deny the petition averments. The PW.1 contends that, she is the daughter of Sri.Mallesh.M and Smt.Sudha.C. She was born on 25.10.2004 at No.54, 14th cross, Near Central Jail, Parappana Agrahara, Bengaluru-560100. Her parents have named her as Keerthana.M D/o.Mallesh.M. But, due to lack of knowledge neither her parents nor family members informed her date of birth to the respondent to enter the same in the concerned registers.

11. Now, the petitioner is in need of her birth certificate for her further studies. Through Ex.P.1, it can be gathered that the date of birth of Keerthana.M D/o.Mallesha.M is not entered in the concerned registers maintained by the office of respondent. Due to lack of knowledge, her parents and family members have not got registered her date of birth in the concerned registers maintained by the office of the respondent.

12. Ex.P.3 is the notarized copy of the aadhar card of PW.1, which is sufficient to prove her identity. In Ex.P. 2 to 5, the address of PW.1 and her parents is mentioned No.54, 14th cross, Near Central Jail, Parappana Agrahara, Bengaluru-560100. Ex.P.2 is the study certificate issued by the Head Master of New Bishop Cotton English High School, Singasandra, Bengaluru, wherein her date of birth is mentioned as 25.10.2004. That document carry much importance.

13. There is no reason to doubt the contents of Ex.P.2 to 5. The birth certificate is required for many reasons and purposes. The petitioner is in need of her birth certificate for her further

studies. Therefore, by considering all these aspects, this Court is of the opinion that, there are sufficient materials before the Court to direct the respondent to enter the date of birth of Keerthana.M D/o.Mallesha.M, as 25.10.2004 in the birth registers concerned.

14. The object of the enactment of Birth and Death Registration Act is that, the statistics of Birth and Death has to be maintained properly and strictly. Mere delay in informing the fact is not a ground to reject the entry. The birth certificate is required for many purposes. Hence, the petitioner is entitled to the relief claimed in the petition. Accordingly, I answer point No. 1 in Affirmative.

Point No.2: For the aforesaid reasons, I proceed to pass the following:

ORDER

The petition filed by the petitioner
U/Sec.13[3] of Birth and Deaths
Registration Act, 1969 is hereby allowed.

The respondent is hereby directed to enter the date of Birth of **Keerthana.M D/o.Mallesha.M & Smt.Sudha.C** as **25.10.2004** in the registers concerned, who was born at No.54, 14th cross, Near Central Jail, Parappana Agrahara, Bengaluru-560100 and issue birth certificate accordingly, by collecting requisite fee from the petitioner.

[Dictated to the Stenographer directly on computer, the same was typed by him, the transcript thereof is corrected by me and then pronounced in open Court on this 25th day of November 2022]

[TATTANDA DAMAYANTI SOMAYYA]
XLI ACMM, BENGALURU.

ANNEXURE**LIST OF WITNESSES EXAMINED FOR PETITIONER :**

PW.1 : Keerthana.M

LIST OF DOCUMENTS MARKED FOR PETITIONER :

Ex.P.1 : Non availability certificate

Ex.P.2 : Notarized copy of Study Certificate

Ex.P.3 : Notarized copy of Aadhar card of PW-1

Ex.P.4 : Notarized copy of Aadhar Card of her father

Ex.P.5 : Notarized copy of Aadhar card of her mother

LIST OF WITNESSES EXAMINED FOR RESPONDENT:

Nil

LIST OF DOCUMENTS MARKED FOR RESPONDENT:

Nil

[TATTANDA DAMAYANTI SOMAYYA]
XLI ACMM, BENGALURU.