

KABC030336862023



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 30th DAY OF SEPTEMBER 2023

CRIMINAL MISCELLANEOUS NO.4889 of 2023

Petitioner :- Thavakumaran.R
S/o K.Ramamurthy,
Aged about 46 years
R/at No.151, G.Street,
Jogupalya Main Road, Halsuru,
HAL 2nd Stage, Bengaluru-560008.

(By Smt.Saraswathi. Advocate)

-V/s-

Respondent :- The Commissioner

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

(**Exparte**)

O R D E R

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

2. In the petition it is stated that, the petitioner's minor daughter by name **Nakshatra.T** was born on **09.10.2021** in Bengaluru. The birth event of his minor daughter was not entered in the register maintained by the respondent in their office. He needs his minor daughter's birth certificate for family documentation. He has submitted an application to respondent for issuing birth certificate of his minor daughter for which

respondent issued a non-availability certificate. For the reasons stated supra he 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 petitioner has got examined himself as PW1 and in his oral evidence has reiterated petition averments and got marked Ex.P1 to Ex.P4.

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 petitioner has stated that, his minor daughter viz., **Thavakumaran.R** was born on **09.10.2021**. He approached the respondent for availing his minor daughter's birth certificate but respondent gave an endorsement that the event of birth of his minor daughter 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.P4 are remained unchallenged. **Ex.P2** notarized copy of Discharge Summary discloses that the date of birth of petitioner's minor daughter is **09.10.2021** 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 petitioner's minor daughter by name **Nakshatra.T D/o Thavakumaran.R** and **Smt.Amudha.A**, as she was born on **09.10.2021** 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 30th 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 :- Thavakumaran.R

II. List of exhibits marked by petitioner:-

Ex.P1 :- Non-availability certificate.

Ex.P2 :- Notarized copy of Discharge Summary (2 sheets)

Ex.P3 & Ex.P4 :- 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.