

**IN THE COURT OF THE XXIX ADDL.C.M.M MAYO HALL UNIT,
BENGALURU**

Dated: This the 5th day of November 2019

PRESENT: Sri. G.R.KULKARNI,
B.A.(LAW)., LL.B.,
XXIX Addl. Chief Metropolitan
Magistrate, Bengaluru.

CRL.MISC.NO. 50397/2019

PETITIONER :- Sri. Shafeeq Pasha
S/o. Fayaz Pasha
Aged 37 Years
R/at. No.322, Dayananda Nagar
Siddapura, Jayanagar 1st block
Jayanagar 3rd Block
Benglauru-560 011.

(By *Sri.S.H.Mohammed Yunus.*, Advocate)

V/S.

RESPONDENT THE REGISTRAR BIRTH AND DEATHS, BBMP
BENGALURU-560 002.

ORDER

This is a petition filed Under Section 13(B) of Birth and Death Registration Act, 1969 seeking direction to the respondent to record date of birth of the petitioner.

2. BRIEF FACTS:-

The petitioner submits that, he is born on **29.04.1982**. However due to ignorance parents of the petitioner have not complied with the registration the birth of the petitioner. The petitioner is in need of his birth certificate. Hence this petition.

3. Notice to the respondent, which is duly served. In spite of due service of notice, respondent has remained absent. Hence, respondent is placed exparte.

4. The petitioner is examined as P.W.1 and got marked Ex.P.1 to Ex.P.3.

5. Heard the arguments.

6. The following points would arise for my determination:

1. Whether the petitioner has placed sufficient materials on record to establish that, she is born on 29.04.1982?

2. What order?

7. My findings on the above points as under:

Point No.1 - In the Affirmative

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

REASONS

8. Point No.1: PW.1 submits that he is born on **29.04.1982**. However due to ignorance of the parents of PW.1 have not complied with the registration the birth of the petitioner. PW.1 is in need of his birth certificate. Hence this petition. PW.1 has produced the non availability certificate issued by the respondent which is at Ex.P1, School Transfer Certificate which is at Ex.P2 and Adhar Card which is marked as Ex.P3.

9. The oral and documentary evidence tendered by PW.1 has gone unchallenged as the respondent has remained absent. On considering the evidence on record, I am of the view that PW.1 has established that, he is born on 29.04.1982 at No.322, Dayananda Nagar, Siddapura, Jayanagar 1st Block, Jayanagar 3rd Block,

Bengaluru-560 011. Therefore in order to do substantial justice, the date of birth of the petitioner is required to be registered by the registering authority. Hence I answer point No.1 in the **AFFIRMATIVE**.

10. **Point No.2**: For the foregoing reasons, I proceed to pass the following:

ORDER

The petition is **ALLOWED**.

The Respondent is directed to cause an entry of date of birth of the petitioner by name **Shafeeq Pasha** is born on **29.04.1982**, in the Register of Birth and Death on payment of prescribed fee and issue birth certificate to the petitioner in accordance to law.

(Typed by the steno as dictated by me on the computer and same was corrected by me and then pronounced in open Court on this the 5th day of November 2019)

(G.R.KULKARNI)
XXIX ACMM, BENGALURU

ANNEXURE

LIST OF WITNESSES EXAMINED

PW-1 Shafeeq Pasha

LIST OF EXHIBITS MARKED

Ex.P.1 Non-availability Certificate
Ex.P.2 Transfer Certificate
Ex.P.3 Adhar Card

LIST OF MATERIAL OBJECTS GOT MARKED :-

NIL

(G.R.KULKARNI)
XXIX ACMM, BENGALURU

05.11.2019.

Petitioner
For orders

(Vide Separate order pronounced in the Open Court)

ORDER

The petition is **ALLOWED**.

The Respondent is directed to cause an entry of date of birth of the petitioner by name **Shafeeq Pasha** is born on **29.04.1982**, in the Register of Birth and Death on payment of prescribed fee and issue birth certificate to the petitioner in accordance to law.

(G.R.KULKARNI)
XXIX ACMM

