



**IN THE COURT OF II ADDL. CIVIL JUDGE AND
JMFC., AT: MANDYA.**

:: PRESENT ::

**SMT. RAHELA SABA C.S., B.A., LL.B., LL.M.,
II Addl. Civil Judge & J.M.F.C.,
Mandya.**

DATED THIS THE 30th DAY OF JUNE - 2026

Crl.Misc.No.70 / 2026

Petitioner:

Smt.Divya.T.G W/o T.N.Sathish,
D/o Gangadhara, Aged about 22 years,
R/at Thubinakere Village, Athaguru Hobli,
Maddur Taluk, Mandya District.

**(Represented by Sri.M.C.A.,Adv.,)
V/s.**

Respondent:

The Registrar of Births and Deaths,
R/p Commissioner, Mandya Nagara Sabha,
Mandya District.

(R-Exparte)

**II Addl. Civil Judge & JMFC.,
Mandya.**

O R D E R

The petitioner has filed present petition against the respondent U/s 13(3) of Births and Death Registration Act for seeking direction to the respondent to enter her name

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Smt.Divya.T.G D/o Gangadhara and her parents i.e., Father name as Sri.Gangadhara, Mother name as Smt.Manju and her date of birth as 01.04.2003 and to issue Birth Certificate.

2. The fact of the petitioner's case is that; the petitioner was born on 01.04.2003 at Jyothi Nursing Home, Mandya City. However as her parents did not had knowledge that factum of birth of a child needs to be registered with the respondent, hence failed to inform the same to the respondent. When petitioner filed an application to obtain her birth certificate with the respondent, the respondent intimated that petitioner's birth details has not been intimated to the respondent, accordingly issued non availability certificate. Hence the petition.

3. On service of notice, the respondent remained absent, hence placed exparte.

4. In order to prove the case of petitioner, petitioner got herself examined as PW.1 and got marked 3 documents as Ex.P.1 to Ex.P.3.



5. Heard learned counsel for petitioner, perused the entire record. After perusal the points that arise for my consideration are as follows:-

1. Whether the petitioner has made out grounds under Section 13(3) of Birth and Death Registration Act to seek direction to the respondent for entering her date of birth in the concerned register?

2. What order?

6. My findings to the above points are as follows:

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:- It is the main claim of the petitioner that, she was born on 01.04.2003 at Jyothi Nursing Home, Mandya City. However as her parents did not had knowledge that factum of birth of a child needs to be registered with the respondent, hence failed to inform the same to the respondent. When petitioner filed an application to obtain her birth certificate with the respondent, the respondent intimated that petitioner's birth details has not been intimated to the respondent, accordingly issued non availability



certificate. As against this allegation, admittedly respondent hasn't filed any defence. In order to prove her case the petitioner got herself examined as PW-1 and got marked 3 documents as Ex.P.1 to Ex.P.3. The Ex.P.1 is non availability certificate issued by the respondent. On perusal of the same it is clear that birth of petitioner has not been intimated to the respondent. Ex.P.2 is the Notarized copy of the SSLC Marks Card of P.W.1 and Ex.P.3 is the Notarized copy of the Aadhar of P.W.1. The Ex.P.2 document displays date of birth of petitioner **as 01.04.2003**. It is also well settled that in a proceeding under Section 13(3) of Births and Death Act, Court is concerned with the factum of birth or death and date of birth and date of death is not relevant. This proposition finds support from the ratio laid down by *Hon'ble High Court of Karnataka in 2000(4) KCCR (State of Karnataka Vs Smt. Annakka)* which reads thus:

8. REGISTRATION OF BIRTHS AND DEATHS ACT, 1969:

- *Under Section 13(3)- Direction to make an entry in the Birth Register by the Magistrate- Challenged on the ground that except the*



statement of applicant on oath there was no other material.

- *Held: the Magistrate in proceeding under Section 13(3) only ascertains the birth of the child and date is not the material consideration as such directions bind only the registration office under the Act to make an entry and does not carry higher probative value.*

9. Further when the respondent remained exparte there is no reason to disbelieve the case of petitioner. Reverting to the factual matrices of the present case, having regard to materials available on record and in the absence of justifiable grounds to reject application of the petitioner certainly direction can be issued to the respondent to make necessary entry in the concern register. Hence, **this court proceeds to answer Point No.1 in the Affirmative.**

10. Point No.2: In view of the reasons discussed above this court proceed to pass the following:

:: ORDER ::

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



The Respondent is hereby directed to enter the Date of Birth petitioner by name **Smt.Divya.T.G D/o Gangadhara and her parents i.e., Father name as Sri.Gangadhara, Mother name as Smt.Manju and her date of birth as 01.04.2003 born at Jyothi Nursing Home, Mandya City,,** in the concerned birth register and to issue Birth Certificate to the petitioner after collecting prescribed fee.

(Dictated to the Stenographer and corrected by me and then pronounced the open Court on the 30th day of June - 2026)

(RAHELA SABA C.S.,)
II Addl. Civil Judge & JMFC.,
Mandya.

:: ANNEXURE ::

1. List of witness examined for the petitioner:

PW 1 - Smt.Divya.T.G D/o Gangadhara.

2. Documents exhibited for the petitioner:

Ex.P.1	:	Non-Availability Certificate.
Ex.P.2	:	Notarized copy of SSLC Marks Card of P.W.1.
Ex.P.3	:	Notarized copy of Aadhar Card of P.W.1.

3. List of witness and documents for Respondent.

- Nil -

II Addl. Civil Judge & JMFC.,
Mandya.



ORDER PRONOUNCED IN OPEN COURT VIDE
SEPARATE ORDER
:: ORDER ::

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

The Respondent is hereby directed to enter the Date of Birth petitioner by name **Smt.Divya.T.G D/o Gangadhara and her parents i.e., Father name as Sri.Gangadhara, Mother name as Smt.Manju and her date of birth as 01.04.2003 born at Jyothi Nursing Home, Mandya City**, in the concerned birth register and to issue Birth Certificate to the petitioner after collecting prescribed fee.

**II Addl. Civil Judge & JMFC.,
Mandya.**