

KAMS0A0106852022



IN THE COURT JUDICIAL MAGISTRATE

FIRST CLASS (III COURT),

AT MYSURU

P R E S E N T

Sri Sandesh V.Bhandary, B.A., LL.B., LL.M.,
JMFC., III COURT, MYSURU

DATED THIS THE 3rd DAY OF NOVEMBER 2022

C.Mis.No.173/2022

PETITIONER : Ravi.B S/o.Late Basavaraju
Aged about 25 years,
No.1094, Sunnada Kuppiah Road,
Ittigegudu, Chamundibetta Road, Mysuru.
(By Sri C.Kumar, Advocate)

V/S.,

RESPONDENT : The Registrar of Births and Deaths,
Mysuru City Corporation, Mysuru.
(Absent)

ORDER

This present petition is filed under section 13(3) of The
Registration of Births and Deaths Act, 1969.

2. For the reasons stated in the petition, the petitioner has
prayed for issuance of directions to the respondent to register his
birth event as **10.04.1997**. It is pertinent to note here that the

petitioner by name Ravi.B S/o.Late Basavaraju and Puttasiddamma, aged about 53 years, was born on 10.04.1997 at No.1094, Sunnada Kuppiah Road, Ittigegudu, Chamundibetta Road, Mysuru and due to inadvertence of the petitioner and their family members they could not intimate to the office of Registrar of Births and Deaths, MCC., Mysuru and the same not entered and registered. The petitioner wants his birth certificate for the purpose of producing before claim of PF amount and as such petition is got filed by the petitioner.

3. In spite of service of notice, the respondent is absent before the court and as such his objection was considered as nil. Thereafter the matter was posted for enquiry of the petitioner later.

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

5. Heard the arguments advanced by the learned counsel for the petitioner. Perused the materials on record.

6. The points that arise for the consideration of the court are :

1. Whether the petitioner is entitled for the relief sought ?

2. What order?

7. On consideration of the aforesaid points, this court answers the aforesaid points as hereunder :

Point No.1 : In the **affirmative**

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

REASONS

8. **Point No.1:** As aforesaid the petitioner has got examined himself as PW.1. In his examination-in-chief he has reiterated the petition averments. He has deposed to the fact that himself, Ravi.B S/o.Late Basavaraju and Puttasiddamma was born on **10.04.1997** at No.1094, Sunnada Kuppiah Road, Ittigegudu, Chamundibetta Road, Mysuru. He has further deposed that due to ignorance of law, himself and his family members had not intimated the his birth to the respondents. Ex.P.1 is the endorsement given by MCC., Mysuru, Ex.P.2 is the copy of the school TC of the petitioner and Ex.P.3 is the copy of aadhar card of the petitioner.

9. As the respondent is absent in the case, the evidence of PW.1 has remained unchallenged and unrebutted. Ex.P.2 and 3 clearly goes to show the date of birth of the petitioner is **10.04.1997**. Wherefore if the relief sought by the petitioner is declined it will hamper future prospectus of the petitioner. That apart there is nothing on record to disbelieve the evidence lead by PW.1. At this juncture it is worth to cite reported judgment in **ILR 2003 Karnataka 4787 (Smt.Devamma V/s Registrar of Births and Deaths)** the Hon'ble **High Court of Karnataka**, held an application before Magistrate for the purpose of passing on order to enable the registering authority to record a birth or death that had taken place beyond period of 1 year from the date of death should be necessarily be entertained and should be ordered. Under these circumstances, this court has no other alternative than to accept the reliable evidence of PW.1. Accordingly this court answers point No.1 in the **affirmative**.

10. **Point No.2:** In the light of foregoing discussions, this court proceeds to pass the following :

ORDER

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

The respondent is hereby directed to make proper entry in respect of date of birth of the petitioner Ravi.B S/o.Late Basavaraju and Puttasiddamma as **10.04.1997**, born at No.1094, Sunnada Kuppiah Road, Ittigegudu, Chamundibetta Road, Mysuru.

The respondent shall collect the prescribed fee from the petitioner.

No order as to cost.

(Dictated to the Stenographer directly, typed on computer, corrected, signed by me and then pronounced on this the 3rd day of NOVEMBER 2022)

(SANDESH V BHANDARY)
III JMFC, MYSURU.

ANNEXURES**List of witness examined on behalf of petitioner:**

PW.1 : Ravi.B

List of documents examined on behalf of Petitioner:

Ex.P.1 : Endorsement of MCC
Ex.P.2 : School TC of the petitioner
Ex.P.3 : Aadhar card of the petitioner

List of witness examined on behalf of Respondent:

N I L

List of documents examined on behalf of Respondent :

N I L

**(SANDESH V BHANDARY)
III JMFC, MYSURU.**