

IN THE COURT OF THE XV ACMM, BENGALURU**Dated this the 1st day of September 2022.****Present: Sri Lokesh D. Havale, B.A, LLB.,
XV ACMM, Bengaluru****Crl.Misc.No.5014/2022**

Petitioner:- Smt. Venna.G
Aged about 33 years,
S/o late Gopal,
No.404, Near Sampallamma Temple,
Kodi Chikkanalli, B.G Road,
Bangalore-76.

(By Premkumar.D.S., Advocate)

V/S

Respondent:- The Registrar of Birth and Death
Office of the Commissioner
B.B.M.P.,
Bengaluru.

(By Smt.G.B.Advocate)

* * * * *

ORDER

This petition is filed by the petitioner under Section 13[3] of the Birth and Death Registration Act praying to direct the respondent to make an entry of the date of birth of petitioner's son as 21/05/2011 in the birth register maintained by the respondent.

2. The petitioner in his petition has contended as follows:

i] That she is a permanent resident of R/at No.404, Near Sampallamma Temple, Kodi Chikkanahalli, BG Road, Bengaluru-560076.

ii] By oversight, inadvertence and bonafide mistake, the date of birth of petitioner's son by name Bharath Goutham S/o Sri. Late Gopal and Smt. Veena.G born on 21.05.2011 at R/at No.404, Near Sampallamma Temple, Kodi Chikkanahalli, BG Road, Bengaluru-560076 was not brought to the notice of the respondent. As such, there is no entry in the concerned birth register maintained by the respondent.

iii] The petitioner knew this fact when she went to take the birth certificate. Hence, prayed to allow the petition.

3. Pursuant to the service of notice, the respondent appeared through his counsel and filed objections denying the averments made in the petition stating that the birth of the petitioner is not within the limits of BBMP and false petition has been filed by creating the documents. Hence prayed to dismiss the petition.

4. The petitioner filed an affidavit in lieu of her chief-examination and examined herself as PW.1 and got marked the documents as per Ex.P1 to P5. On the other hand the respondent did not lead any evidence.

5. The points that arise for the consideration of this Court are:

1] Whether the of petitioner has made out grounds to register date of birth of petitioner's son as 21/05/2011 in the register maintained by respondent?

2] What Order?

6. The finding of this Court on the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

7. **Point no.1:** In her affidavit, the petitioner has sworn that petitioner is the permanent R/at No.404, Near Sampallamma Temple, Kodi Chikkanahalli, BG Road,

Bengaluru-560076. By oversight, inadvertence and bonafide mistake, the date of birth of petitioner's son by name Bharath Goutham S/o Sri. Late Gopal and Smt. Veena.G born on 21.05.2011 was not brought to the notice of the respondent. As such, there is no entry in the concerned birth register maintained by the respondent. The petitioner has produced and got marked the document Ex.P.1 is the non-availability certificate. Ex.P2 is the school achievement record issued by Sri. Chaitanya Techno School. Ex.P3 to 5 are the notarized copies of Aadhaar card of petitioner son, petitioner & petitioner husband, which are verified with the originals at the time of marking. The date of birth of son of petitioner is shown as 21.05.2011 in Ex.P2 & 3. The counsel for the respondent cross-examined the petitioner but nothing worth was elicited in the cross-examination of petitioner to disbelieve her case. The respondent also did not lead any evidence on his side.

8. On perusal of the affidavit and the documents produced by the petitioner, it appears from the records that the petitioner has no malafide intention. Hence, it is just and necessary to direct the respondent to enter the date of birth of petitioner's son by name Bharath Goutham S/o Sri. Late Gopal .G and Smt. Veena. G born on 21/05/2011 in the birth register maintained by the respondent. Hence, this Court answered the above point no.1 in Affirmative.

9. Point no.2: In view of the above reasons given on point no.1, this Court proceeds to pass the following:-

ORDER

The petition filed by the petitioner u/s 13[3] of the Birth and Death Registration Act is allowed with no order as to costs.

The respondent is directed to enter the date of birth of petitioner's son Bharath Goutham S/o Sri. Late Gopal.G

and Smt. Veena. G on 21.05.2011 R/at No.404, Near Sampallamma Temple, Kodi Chikkanahalli, BG Road, Bengaluru-560076 in the birth register and to issue the birth certificate to the petitioner as per law by taking late fees.

(Fed to the computer to my dictation by the Stenographer, after verified by me, print taken by him and after signed by me, pronounced in the Open Court dated this the 1st day of September 2022)

[Lokesh D. Havale]
XV ACMM, Bengaluru.

ANNEXURE:

List of witnesses examined on behalf of Petitioner:

PW1: Smt. Veena .G

List of documents exhibited on behalf of petitioner:

Ex.P.1: Non Availability Certificate

Ex.P.2: Study Certificate

Ex.P3: Notarized copy of Aadhaar card of Petitioner son

Ex.P4: Notarized copy of Aadhaar card of Petitioner

Ex.P5: Notarized copy of Aadhaar card of petitioner husband

List of witness and documents for respondent:

-Nil-

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01/09/2022

(Order pronounced in the Open Court Vide Separate Order)

ORDER

The petition filed by the petitioner u/s 13[3] of the Birth and Death Registration Act is allowed with no order as to costs.

The respondent is directed to enter the date of birth of petitioner's son Bharath Goutham S/o Sri. Late Gopal.G and Smt. Veena. G on 21.05.2011 R/at No.404, Near Sampallamma Temple, Kodi Chikkanahalli, BG Road, Bengaluru-560076 in the birth register and to issue the birth certificate to the petitioner as per law by taking late fees.

[Lokesh D. Havale]
XVth ACMM, Bengaluru.