

IN THE COURT OF THE XXXVI ACMM, BENGALURU.

Dated this the 3rd day of July 2023

**Present: Sri.Nitin Y. Rao, B.Com.,LL.B., Spl.,
XXXVI ACMM., Bengaluru.**

Crl.Misc.No.3772/2023

PETITIONER: Syed Javeed
S/o Syed Ahmed,
Aged about 56 years,
R/at:No.12999, 14th Cross,
Fathima Layout, Govindpura,
Bengaluru.

(By Smt.SS.Adv.,)

V/s

RESPONDENT: The Commissioner of BBMP,
Registrar of Births and Deaths,
Bengaluru.

(Exparte)

ORDER

This petition is filed by the petitioner U/s.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 as 10/12/1968 in the Birth Register maintained by the respondent.

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

That he is a permanent resident of No.12999, 14th Cross, Fathima Layout, Govindpura, Bengaluru. By oversight, inadvertence and bonafide mistake, the date of birth of petitioner by name Syed Javeed S/o Syed Ahmed and Smt.Pyari Jan as on 10/12/1968 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 knew this fact when he went to take the Birth Certificate. Hence, prayed to allow the petition.

3. After service of notice respondent has not appeared and placed ex-parte.

4. The petitioner examined himself as P.W.1 and got marked 4 documents at Ex.P1 to Ex.P4 and

closed his side. On the other hand the respondent did not lead any evidence.

5. The points that arised for my consideration of this Court are:

1. Whether the petitioner has made out grounds to register date of birth of petitioner as 10/12/1968 in the register maintained by respndent?

2. What order?

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

Point No.1: In the Affirmative

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

::REASONS::

7. **Point No.1:** The petitioner in order to prove his case examined himself as PW.1 and got marked 4 documents at Ex.P1 to Ex.P4. PW.1 in his evidence has stated that he has born on 10/12/1968, It is pleaded that when he has approached Birth Registrar

for the purpose of getting Birth Certificate, but respondent has not registered date of birth in concerned Register. It is further contended that he has not informed the date of birth of petitioner due to un-awareness of the law. Ex.P.1 is the Non-Availability Certificate issued by the respondent wherein it is mentioned that date of birth of petitioner is not recorded in concerned Register. He has also produced notarised copies of Aadhaar Card, Passport and SSLC Marks Card of petitioner, which are marked at Ex.P2 to Ex.P4.

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 by name Syed Javeed S/o Syed Ahmed and Smt.Pyari Jan as on 10/12/1968 in the Birth Register maintained by the respondent. Hence, this Court answered the above Point No.1 in the 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 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 by name Syed Javeed S/o Syed Ahmed and Smt.Pyari Jan as on 10/12/1968 in the Birth Register and to issue the Birth Certificate to the petitioner as per law by taking late fee.

(Dictated to the Stenographer, transcript computerized by her revised, corrected and then pronounced in the open Court on this 3rd day of July 2023).

(Nitin Yeshwanth Rao),
XXXVI ACMM.,
Bengaluru.

:ANNEXURE:

1. List of Witnesses examined on behalf of the Petitioner:

PW1 : Syed Javeed

2. List of Documents exhibited on behalf of Petitioner:

Ex.P1: Non Availability Certificate

Ex.P2 : Notarised copy of Aadhaar Card

Ex.P3 : Notarised copy of PAN Card

Ex.P4 : Notarised copy of Election Identity Card

3. List of Witness examined on behalf of Respondent:

-NIL-

4. List of Documents exhibited on behalf of Respondent:

-NIL-

XXXVI ACMM.,
Bengaluru.

