

**IN THE COURT OF THE V ADDL.CHIEF METROPOLITAN
MAGISTRATE, BANGALORE CITY**

Dated this the 18th day of April, 2022

PRESENT

**Sri. RAJESH N. HOSAMANE B.Sc.ML
V ACMM BENGALURU**

Crl.MISC.No.1231/2022

Petitioner : Avinash.S
S/o Sharanappa
Aged about 23 years
R/at No.12, B.G.Road,
Ranichennamma Rasthe,
Hulimavu Gate, Bengaluru.

(By Sri.S.A. Advocate)

- Vs -

Respondent : The Commissioner
Registrar of Birth & Deaths
BBMP, Bengaluru.

(Ex-parte)

**ORDERS ON PETITION FILED U/S 13(3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT
1969**

It is case of the petitioner that he was born on 15.08.1998 at the residence shown in the cause title; when applied for birth certificate the respondent issued Non Availability Certificate stating birth event is not registered in concerned register, it is just and

necessary to issue necessary direction to respondent to enter birth event to relevant register and issue birth certificate to the petitioner.

2. In spite of issuance of summons respondent remained absent. Hence placed Ex.parte. No objections filed.

3. The petitioner got examined as P.W.1 and got marked documents at Ex.P.1 to Ex.P.5.

4. Heard the arguments and perused the material on record.

5. On the basis of the contents of the petition the following points arise for my consideration. :

1. Whether the petitioner made out grounds u/s, 13(3) births and Deaths Act for issuance of necessary directions as prayed for ?

2. What order.

6. My findings 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. In this case petitioner contended that he was born on 15.08.1998. The petitioner has not informed the said

fact to the respondent. Now his birth certificate is required for documentation purpose. Respondent has issued an endorsement stating that the entries are not available. Therefore he prays for issue of necessary direction to the respondent for registration of the fact of his birth on 15.08.1998.

8. In this case petitioner given his evidence in corroboration to the averments stated in the petition and also got marked notarized copy of School Transfer Certificate of petitioner which is marked as Ex.P2. Notarized copy of Adhar Card of petitioner marked as Ex.P3. Notarized copy of Adhar Card of mother of petitioner marked as Ex.P5. Ex.P1 Non Availability Certificate issued by the respondent shows the cause of action.

9. On perusal of Ex.P2 i.e. School Transfer Certificate, it reveals that, name of petitioner is Avinash.S S/o Sharanappa and his date of birth is 15.08.1998. Judicial Note of the same is taken on record. The oral evidence which corroborates documentary evidence produced by the petitioner is cogent and convincing.

Nothing is extracted from the mouth of PW.1 by the respondent to rebut the same. The correctness of birth event appears to be correct and acceptable. Accordingly, I answer the point for consideration in affirmative. For the aforesaid reasons I proceed to pass the following.

ORDER

The petition U/S 13(3) Births and Deaths Act filed by the petitioner is hereby allowed.

The respondent is directed to enter the birth event of the petitioner by name Avinash.S S/o Sharanappa and Smt.Maremma dated 15.08.1998 to relevant register on receipt of late fees from the petitioner and issue birth certificate accordingly to the petitioner.

(Dictated to the stenographer, transcribed by her and corrected by me, then pronounced in the open court, on this 18th day of April, 2022)

**(RAJESH N.HOSAMANE)
V A.C.M.M., BANGALORE**

ANNEXURE**Witnesses examined for the Petitioner :**

PW.1 : Avinash.S

Witness examined for the Respondent : Nil**List of Documents marked for the Petitioner :**

Ex.P1 : Endorsement issued by the
Commissioner, BBMP.

Ex.P2 : Copy of School Transfer Certificate
of petitioner.

Ex.P3 to 5: Copies of Adhar Cards of petitioner,
his father and mother.

List of Documents marked for the Respondent : Nil

(RAJESH N.HOSAMANE)
V A.C.M.M., BANGALORE

(Order pronounced in the open court vide separate order)

ORDER

The petition U/S 13(3) Births and Deaths Act filed by the petitioner is hereby allowed.

The respondent is directed to enter the birth event of the petitioner by name Avinash.S S/o Sharanappa and Smt.Maremma dated 15.08.1998 to relevant register on receipt of late fees from the petitioner and issue birth certificate accordingly to the petitioner.

08.04.2022

V A.C.M.M., BANGALORE

