

KABC030695132022



**IN THE COURT OF THE XIX ADDL.CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.**

**PRESENT:SRI.FAROOQ ZARE, B.A.(Law)LL.B.L.L.M.
XIX ADDL.C.M.M., BENGALURU.**

DATED THIS THE 15th DAY OF SEPTEMBER 2022

CRIMINAL MISCELLANEOUS NO.5220 OF 2022

Petitioner :- Shamala
D/o Chandrappa,
Aged about 24 years,
R/at No.310, 11th Cross,
Manjunatha Nagar, Marathalli,
Bengaluru-560037.

(By H.V.K.Advocate)

-V/s-

Respondent :- The Commissioner/Tahsildar
BBMP, Bangalore North Addl Taluk,
Bengaluru.

(Exparte)

ORDER

1. The petitioner has filed this petition under Section 13(3) of Karnataka Registration of Birth and Death Act 1969 for entering her date of birth in the register maintained by the office of the respondent.

2. In the petition it is stated that the petitioner by name **Shamala** was born on **15.05.1997** in Bengaluru. The birth event of her was not entered in the register maintained by the respondent in their office. The petitioner needs her birth certificate for documentation purpose. It is stated that the petitioner submitted an application to respondent for issuing birth certificate for which respondent issued a non-availability. For the reasons stated supra petitioner prays to allow the petition.

3. The notice was issued to the respondent, same was duly served but respondent remained absent before the court and placed exparte. Thereafter, the case was posted for evidence. The petitioner has got examined herself as PW1, in her oral evidence reiterated petition averments and got marked Ex.P1 to Ex.P3. Since the respondent placed exparte, the evidence of PW1 remained unchallenged.

4. Heard the arguments and perused the petition.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is
deserved to be allowed ?

Point No.2: What order?

6. My findings to the above points are as here under;

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:-** The petitioner has stated that she was born on 15.05.1997 in Bengaluru. The birth certificate is required for the sake of documentation. She approached the respondent for availing the birth certificate but respondent gave an endorsement that the event of birth of her is not entered in the register and issued non-availability certificate at Ex.P1 in response to the petition submitted by her. The respondent remained absent and placed exparte. The averments of the petition and evidence of PW1 and documentary evidence at Ex.P1 to Ex.P3 are remained unchallenged. Ex.P2 and Ex.P3 notarized copies of

Aadhaar card as well as Pan card disclose that the date of birth of petitioner is 15.05.1997 and there are no grounds to disbelieve the case of the petitioner. The very object of the Karnataka Registration of Birth and Death Act 1969 is to enter the registration of births and deaths in the concerned register. Therefore, the point No.1 is answered in the **Affirmative**.

8. **Point No.2**:- In view of my findings to the point No.1, I proceed to pass the following;

O R D E R

The petition is **allowed**.

The respondent is hereby directed to enter the date of birth of petitioner by name **Shamala D/o Chandrappa and Nagarathna**, as she was born on **15.05.1997**, in the concerned register and issue birth

certificate accordingly on collecting
necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected
by me and then pronounced in the Open Court on 15th September, 2022.)

(Farooq Zare)
XIX A.C.M.M., BENGALURU.

A N N E X U R E

I. List of witnesses examined by petitioner:-

PW.1 :- Shamala.

II. List of exhibits marked by respondent:-

Ex.P1 :- Non-availability Certificate.

Ex.P2 :- Notarized copy of Aadhaar Card.

Ex.P3 :- Notarized copy of Pan Card.

III. List of witnesses examined by respondent:--NIL-

IV. List of exhibits marked by respondent:- - NIL-

(Farooq Zare)
XIX A.C.M.M., BENGALURU.