



IN THE COURT OF AAKAR LALITKUMAR TRIVEDI,
PRINCIPAL CIVIL JUDGE AND JUDICIAL MAGISTRATE,
FIRST CLASS, VALLABHIPUR, DISTRICT BHAVNAGAR.

CRIMINAL MISC. APPLICATION NO. 38 OF 2026

APPLICANT : MAHEBUBBHAI ALARAKHBHAI MALEK

VERSUS

**OPPONENTS : REGISTRAR, BIRTHS AND DEATHS AND
ANOTHER.**

=====
APPEARANCE :

SHRI M.H. PATHAN, LEARNED COUNSEL FOR THE APPLICANT.
THE OPPONENTS IN PERSON.
=====

**SUBJECT: APPLICATION UNDER SECTION 13(3) OF THE
BIRTHS AND DEATHS REGISTRATION ACT, 2023.**

:: JUDGMENT ::

:: RELIEFS ::

1. By way of present application preferred under section 13(3) of the Births and Deaths Registration Act, 1969 (hereinafter referred to as '**the Act**') which has been amended vide Amendment Act, 2023, the applicant has prayed for directing the opponent No.1-Registrar of Births and Deaths, Vallabhipur Nagarpalika to register the birth of the applicant in the Birth Register of the opponent No.1.

:: BRIEF FACTS ::

2. Succinctly put the facts of the case are that the applicant was born within the jurisdiction of the opponent No.1-Nagarpalika, however, due to some inadvertence, the parents of the applicant could not get the birth registered with the opponent No.1-Nagarpalika. Hence, they have preferred the present application for getting the birth registered belatedly in view of provisions of the Act.

:: APPEARANCE OF THE OPPONENTS ::

3. Pursuant to filing of the application under section 13(3) of the Act, the opponents appeared in person and tendered their oral as well as documentary evidence.

4. **The only question which is posed before this Court is whether this Court can entertain present application or not.**

:: FINDINGS ::

5. Law and statute on the subject needs to be discussed before arriving at any conclusion in the matter.
6. At this stage, it would be appropriate to refer to and rely upon the provisions of section 13(3) of the Act prior to the amendment of the year 2023, which read as under :

“PRIOR TO AMENDMENT ::

13(3) : Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.”

7. What is required to be noted is that on the basis of the aforesaid provision of the Act, this Court used to entertain the applications preferred under section 13(3) of the Births and Deaths Registration Act till date. However, thereafter the attention of this Court has been drawn to the Amended Act, 2023 and urged that now the powers to entertain such application vests with the District Magistrate, Sub Divisional Magistrate or the Executive Magistrate.
8. It would be apt to regurgitate the relevant provision of section 13(3) of the Amended Act, 2023 as under :

“13(3) AFTER AMENDMENT :

Any birth or death of which delayed information is given to the Registrar after one year of its occurrence, shall be registered only on an order made by a District Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, having jurisdiction over the area where the

birth or death has taken place, after verifying the correctness of the birth or death and on payment of such fee as may be prescribed.”

9. On perusal of the aforesaid provision of section 13(3) of the Amended Act, it is categorical that any birth or death of which delayed information is given to the Registrar after one year of its occurrence, it shall be registered by the Registrar only on an order made by a District Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, who is having jurisdiction over the area where the birth or death has taken place, after verifying the correctness of the birth or death and on payment of such fee as may be prescribed.

10. Thus, the very provision stipulates that for any such registration of birth or death, the applicant has to approach the District Magistrate or Sub Divisional Magistrate or the Executive Magistrate, however, there is no mention of Judicial Magistrate. Hence, the very provision does not enumerate any application to be made before the Judicial Magistrate qua registration of the birth or death.

11. In that view of the matter, though this Court has recorded the evidence of the opponent No.1 and the opponent No.2 and also the documentary evidence placed on record by them, this Court cannot entertain the present application, though earlier this Court had entertained the same. Hence, this Court passes the following final order :

:: ORDER ::

- (1) The present application at Exhibit 01 is hereby rejected.
- (2) A copy of this order be sent to the Office of the Executive Magistrate, Vallabhipur, for doing needful, by way of Yadi.

Pronounced in the open Court today on this 16th Day of May, 2026 at Vallabhipur.

**PLACE : VALLABHIPUR
DATE : 16.05.2026**

**AAKAR LALITKUMAR TRIVEDI
JMFC, VALLABHIPUR
(UIC NO.GJ01557)**

Typed by : Self.