

Order below Exh. 1.

(Passed on this 20/02/2023)

This is an application filed by the applicant Sabiya Bano w/o Mushtaque Khan, who is resident of Near Kali Mandir, Naya Bazar, Kamptee, Tah. Kamptee, Dist. Nagpur for directions to the non-applicant to register birth of her son namely Zubair Khan s/o Musthaque Khan who was born at Near Kali Mandir, Naya Bazar, Kamptee, Tah. Kamptee, Dist. Nagpur on 13.01.1999 under Section 13(3) of the Registration of Birth & Death Act, 1969.

2. The applicant submitted that, her son was born at Near Kali Mandir, Naya Bazar, Kamptee, Tah. Kamptee, Dist. Nagpur on 13.01.1999. However, applicant son date of birth had not registered within prescribed period due to parents unawareness.

3. Heard learned advocate for the applicant at length. Perused record.

4. Learned advocate for the applicant submitted that, the applicant is resident of Near Kali Mandir, Naya Bazar, Kamptee, Tah. Kamptee, Dist. Nagpur and her son was born at Near Kali Mandir, Naya Bazar, Kamptee, Tah. Kamptee, Dist. Nagpur on 13.01.1999. However, due to parents ignorance his registration of birth could not be reported to the Gram Panchayat, Yerkheda, Tah. Kamptee, Dist. Nagpur in time. Now, the applicant requires birth certificate of her son for education

and other purpose. For the said purpose when the applicant applied to non-applicant, it was intimated that no entry is found in the record of birth. Thus, the applicant has filed this application for obtaining directions to the non-applicant to register applicants son birth.

5. The applicant to consolidate the application offered herself as A.W.1, and filed on record her own evidence on affidavit at Exh. 10. Besides, the applicant has placed reliance on non-availability certificate is at Exh.10-A, original copy of Affidavit is at Exh. 11, verified copy of Aadhar card of applicant is at Exh. 12, verified copy of Aadhar card of applicant husband is at Exh. 13. She has filed citation notice published in Daily newspaper 'Mahasagar' dated 29/11/2022 at Exh.18. The applicant has deposed in his evidence that, due to lack of knowledge, he did not register her son birth in the office of Gram Panchayat, Yerkheda, Tah. Kamptee, Dist. Nagpur at relevant time.

6. It is pertinent to note that, despite of publication of applicant's claim in prevalent daily newspaper 'Mahasagar' dated 29/11/2022, nobody has raised any objection till the date. In such circumstances, there being nobody to contest the application, evidence led by the applicant has remained intact and unchallenged. Therefore, considering all these facts together, there appears no reason to disbelieve the applicant.

7. Needless to say that as per Section 13(3) of the

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Registration of Birth and Death Act, if any birth or death which has not been registered within one year of its occurrence, the Magistrate has powers to order Registration of Birth or Death on verification of correctness of the birth and death as the case may be. So far matter in hand is concerned, it appears that on the basis of oral and documentary evidence and in absence of any objection by public at large, the applicant has succeeded to prove the fact that his son was born at Near Kali Mandir, Naya Bazar, Kamptee, Tah. Kamptee, Dist. Nagpur on 13.01.1999. Considerable delay to report is due to mistake and illiteracy of applicant. Considering all these facts together there appears substance in the application. Hence, in the interest of justice I pass following order-

ORDER

1. The application is allowed.
2. The Secretary, Gram Panchayat, Yerkheda, Tah. Kamptee, Dist. Nagpur shall register date of birth of the applicant son **Zubair Khan s/o Musthaque Khan** who was born at Near Kali Mandir, Naya Bazar, Kamptee, Tah. Kamptee, Dist. Nagpur on 13.01.1999.
3. The Secretary, Gram Panchayat, Yerkheda, Tah. Kamptee, Dist. Nagpur is hereby directed to issue

1. The application is allowed.

the applicant son Birth Certificate on payment of
prescribed fee.

Sd/-

Date: 20-02-2023.

Place: Kamptee

(Shri. Sagar S. Jadhav)
Judicial Magistrate First Class,
Court No. 2, Kamptee.