

KABC030343542023



Presented on : 02-08-2023
Registered on : 02-08-2023
Decided on : 23-08-2023
Duration : 0 years, 0 months, 21 days

IN THE COURT OF THE 1st ADDL.CMM: BENGALURU

Dated this the 23rd day of August 2023

**Present: Shri Anand S Kariyammanavar, B.A.,
LL.B(Hon's).
I Addl. C.M.M BENGALURU.**

C.Misc.No.5015/2023

Petitioner : Shivamani Bhat
S/o Manichandra Bahadur Bhat,
aged about 48 years,
R/at No.29/2B, Shree Nivas,
Kanakapura main road,
Jaraganahalli,
Bangalore 560 078.

(Rep. by Smt.Umadevi., Advo.)

Respondent : The Commissioner,
Registrar of Births and Deaths,
B.B.M.P. Bengaluru.

ORDER

The petitioner has filed petition under Section 13(3) of Registration of Births and Deaths Act, 1969, seeking direction to the respondent to enter the date of birth of his son in the register maintained by the respondent.

2. The brief facts of the petitioner's case is as follows:

The son of petitioner by name Ashok Bhat is born on 20-03-2011 at No.29/2B, Shree Nivas, Kanakapura main road, Jaraganahalli, Bengaluru 560 078. After his birth, the petitioner did not comply the event of his birth to respondent due to ignorance of law and procedure. On approaching respondent, respondent issued Non-availability certificate. Now petitioner requires birth certificate of his son for bonafide use. Hence present petition and it is prayed to allow the same.

3. The respondent remained absent, despite service of notice and he is placed ex-parte.

4. The petitioner got examined himself as P.W.1 and got marked Exs.P1 to P3 documents.

5. Heard arguments.

6. The following points arise for consideration.

1. Whether the petitioner is entitled for the relief claimed ?

2. What Order ?

7. Following are findings on the above points:

Point No.1: In the Affirmative.

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

REASONS

8. **Point No.1:-** It is averred that the son of petitioner by name Ashok Bhat is born on 20-03-2011 at No.29/2B, Shree Nivas, Kanakapura main road, Jaraganahalli, Bengaluru 560 078 and said entry of birth is not effected in birth register of respondent. In this regard petitioner

has entered into witness box as P.W.1 and reiterated the averments of petition. He has produced Non-availability certificate issued by respondent as per Ex.P1. The petitioner has also produced school study certificate of his son as per Ex.P2 and Aadhaar cards as per Ex.P3. Above documents indicate the event of birth of petitioner's son and non-registration of said event in the birth register maintained by respondent. The evidence of P.W.1 is not challenged by respondent side. Hence, there is no reason to discard and disbelieve the same. So, there is no hurdle to direct the respondent to register the event relating to the birth of son of petitioner in the register maintained by the respondent. **Hence, point No.1 is answered in the affirmative.**

9. **Point No.2:-** For the reasons stated and findings given on point No.1, following is:

ORDER

Petition filed by the petitioner under Section 13(3) of Registration of Births and Deaths Act, 1969 is allowed.

The respondent is hereby directed to register the event of birth of son of petitioner Ashok Bhat S/o Shivamani Bhat and Shobha Bhat to the effect that he is born on 20-03-2011 at No.29/2B, Shree Nivas, Kanakapura main road, Jaraganahalli, Bengaluru 560 078, in the birth register maintained by his office.

No costs.

(Dictated to the stenographer, typed by her directly on computer, revised, corrected by me and then pronounced in the open court on this the 23rd day of August 2023).

(Anand S Kariyammanavar)
1st Addl. CMM., Bengaluru.

ANNEXURE

List of witnesses examined on behalf of the petitioner:-

P.W.1, Shivamani Bhat;

List of documents marked on behalf of the petitioner:-

Ex.P1, Non-availability certificate,
Ex.P2, School study certificate of son of P.W.1,
Ex.P3, Aadhaar cards;

Witnesses examined on behalf of respondent, documents marked:- NIL.

(Anand S Kariyammanavar)
1st Addl. CMM., Bengaluru.

Order pronounced in Open Court (vide separate order)
ORDER

The respondent is hereby directed to register the event of birth of son of petitioner Ashok Bhat S/o Shivamani Bhat and Shobha Bhat to the effect that he is born on 20-03-2011 at No.29/2B, Shree Nivas, Kanakapura main road, Jaraganahalli, Bengaluru 560 078, in the birth register maintained by his office.

No costs.

1st Addl. CMM., Bengaluru.

