

ORDERS ON MAIN PETITION

The petitioner has filed this petition U/sec.13(3) of the Registration of Births & Deaths Act 1969.

The facts of the case is:-

That petitioner by name **“Shanthi Sharlin Mendonca D/o Albert Charles Mendonca and Florine Mataias”** was born on **13.03.1993** at **Ranganatha Badavane, Shivamogga**, her birth was not registered with respondent authority. When the petitioner approached respondent authority to get her birth certificate, the respondent issued a non-availability certificate. Hence, she has filed this petition.

After registration of this petition, notice was issued to the respondent. The respondent remained absent.

The petitioner filed affidavit in lieu of examination in chief, examined as P.W-1 and got marked as Ex.P.1 to Ex.P.4. Ex.P.1 is the copy of Non-Availability Certificate, Ex.P2 is the notarized true copy of the S.S.L.C marks card of the petitioner, Ex.P3 is the Notarized true copy School study certificate and Ex.P.4 is the Attested copy of School Admission extract of the petitioner. The respondent remained absent for cross-examination of PW.1.

Heard the counsel for petitioner and perused all the documents and the evidence, there is no resistance from the respondent and there is no material to disbelieve the evidence of P.W-1. Further on perusal of the Ex.P.2 to 4, court found that the petitioner's date of birth is mentioned as **13.03.1993**. On perusal of the petitioner's Ex.P2 notarized true of SSLC marks card petitioner's mother name is mentioned as '**FLORINE MATAIAS**' and her father name is mentioned as '**ALBERT CHARLES MENDONCA**'. Hence, this court in the ends of justice proceed to pass the following;-

ORDER

The petition filed under Section 13(3) of the Registration of Births and Deaths Act, is hereby allowed.

The respondent is directed to register birth event of the petitioner namely **“Shanthi Sharlin Mendonca D/o Albert Charles Mendonca and Florine Mataias”** who was born on **13.03.1993 at Ranganatha Badavane, Shivamogga**, in the concerned records and issue Birth Certificate to the petitioner after collecting prescribed statutory fees.

It is clarified that this order shall not be conclusive proof regarding birth event of petitioner namely **“Shanthi Sharlin Mendonca D/o Albert Charles Mendonca and Florine Mataias”** who was born on **13.03.1993 at Ranganatha Badavane, Shivamogga** if it is disputed in any civil or criminal proceedings.

No order as to costs, keeping in view the nature of the petition.

**V Addl. Civil Judge & JMFC,
Shivamogga.**