

KABG310014472026



**IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C.
AT: BAILHONGAL**

**Present : Smt. Rohini D Basapur
L.L.M.**

Prl. Civil Judge and J.M.F.C., Bailhongal.

DATED: THIS THE 23rd JULY 2026

CRL. MISC. NO. 207/2026

Petitioner:

Miss. Madina D/o Husenasaheb Udakeri
(After Marriage known as
Mrs. Madina W/o Mainuddin Makandari
Age: 53 years, Occ: House Hold
R/o: Presently residing at Sy.No. 24
Bhau Patil Chal, Bopodi, Pune Dist: Pune
Maharashtra

(By Sri. RRB, Advocate)

V/s.

Respondent:

1. The Tahasildar, Bailhongal,
Tq: Bailhongal.

(Absent)

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ORDER ON PETITION FILED UNDER SECTION 13 (3) OF BIRTHS AND DEATHS REGISTRATION ACT, 1969 R/W. RULE 10 (3) OF THE REGISTRATION OF BIRTHS AND DEATHS RULES 2000

The petitioner was born on 01.04.1973 at her parental house at Tigadi Villate, Bailhongal Taluk, Dist: Belagavi. The petitioner has approached to the respondent with request to issue her birth certificate. The respondent in-turn got issued endorsement stating that birth particulars of petitioner, is not entered in the register in the office of Respondent. Hence, this petition.

3. Respondent has appeared on record. There is no contest to the petition.

4. In support of the case petitioner is examined as PW.1 and got marked Ex.P.1 to 4 documents and closed the side.

5. Heard learned Counsel for the petitioner at length and perused the materials placed on record.

6. Upon hearing argument and on perusal of material placed on records, following points arise for consideration:

1. Whether the petitioner has made out sufficient grounds for allowing the petition?

2. What order?

7. My answer to the above points are as under:

Point No.1: In the Affirmative.

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

:REASONS:

8. **POINT NO.1:-** In order to prove the case, petitioner is examined as P.W.1 and reiterated the petition contents in examination-in-chief affidavit. Petitioner has produced Ex.P-1 is the non availability certificate and Ex.P.2 is the application. Ex.P.3 is the copy of Adhaar Card of PW-1. Ex.P.4 is the Leaving certificate of PW-1. As respondent has not contested main petition, testimony of P.W.1 and documentary evidence produced on behalf of petitioner remained unchallenged and uncontroverted. Therefore, there is no reason to disbelieve the evidence given by petitioner.

9. It is also trite that in a proceeding under section 13 (3) of Registration of Births and Deaths Act, court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by Hon'ble

High Court of Karnataka in **2000 (4) KCCR 2674 (State of Karnataka V/s Smt. Annakka)**, wherein it was held that the The Magistrate in a proceeding Under Section 13(3) only ascertains the birth of the child and date is not the material consideration, as such directions bind only the Registration Office Under the Act to make an entry and does not carry higher probative value.

10. Hence, in the light of principles emerged from the decision referred above, petition is required to be allowed. Hence, I answer the point No.1 in the Affirmative.

11. POINT NO.2:- For the foregoing reasons, I proceed to pass the following:

:ORDER:

Petition filed under Section 13(3) of Birth and Death Registration Act, 1969 R/w. Rule 10(3) of Karnataka Births and Deaths Act, 1970 is hereby allowed.

Respondent is directed to enter the date of birth of Petitioner viz., Miss Madina D/o Husensaheb Udakeri as 01.04.1973 and place of birth as Tigadi Village, Tq: Bailhongal in the concerned registers and issue birth Certificate to the petitioner after collecting necessary fee and fine.

No order as to cost.

(Directly dictated to Stenographer, typed by him, corrected by me and then order pronounced in open court on this the 23rd day of July 2026)

(Smt. Rohini D Basapur)
Prl. Civil Judge & J.M.F.C.,
Bailhongal.

ANNEXURE

List of witnesses examined on behalf of petitioner:

P.W.1 : Smt. Madina D/o Husensaheb Udakeri

List of documents marked on behalf of petitioner:

Ex.P.1 : Non-Availability Certificate

Ex.P.2 : Application

Ex.P.3 : Aadhar card

Ex.P.4 : LC

List of witnesses examined on behalf of respondent:

-Nil-

List of documents marked on behalf of respondent:

-Nil-

Sd/-
Prl. Civil Judge & J.M.F.C.,
Bailhongal.

**(Order pronounced in the open court
vide separate order)**

:ORDER:

Petition filed under Section 13(3) of Birth and Death Registration Act, 1969 R/w. Rule 10(3) of Karnataka Births and Deaths Act, 1970 is hereby allowed.

Respondent is directed to enter the date of birth of Petitioner viz., Miss Madina D/o Husensaheb Udakeri as 01.04.1973 and place of birth as Tigadi Village, Tq: Bailhongal in the concerned registers and issue birth Certificate to the petitioner after collecting necessary fee and fine.

No order as to cost.

**Prl. Civil Judge & J.M.F.C.,
Bailhongal.**