

KABC030570072022



IN THE COURT OF THE XIX ADDL.CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.

PRESENT:SRI.FAROOQ ZARE, B.A.(Law)LL.B.L.L.M.
XIX ADDL.C.M.M., BENGALURU.

DATED THIS THE 5th DAY OF AUGUST 2022

CRIMINAL MISCELLANEOUS NO.4442 of 2022

Petitioner :- Harishitha.M

Minor in Age Rep. by
Natural Guardian/Father

Sri.Murali Mohan.C

S/o Chandrappa.G,

Aged about 37 years,

Residing at Near Sapalamma Temple,

Gunjurpalya,Gunjur,

Bangalore-560087.

(By S.K. Advocate)

-V/s-

Respondent :- The Commissioner of BBMP
Births and Deaths
Bangaluru.

(Exparte)

ORDER

1. The father of minor petitioner has filed this petition U/sec.13(3) of Karnataka Registration of Birth and Death Act 1969 for entering minor petitioner's date of birth in the register maintained by the office of the respondent.

2. In the petition it is stated that, the minor petitioner by name Harshitha.M was born on 18.03.2008 in Bengaluru. The birth event of her was not entered in the register maintained by the respondent in their office. The minor petitioner needs her birth certificate for bonafide use. It is stated that the minor petitioner's father submitted an application to respondent for issuing birth certificate for which respondent issued a non-availability

certificate. For the reasons stated supra petitioner prays to allow the petition.

3. The notice was issued to the respondent, same was duly served but respondent remained absent before the court and placed exparte. Thereafter, the case was posted for evidence. The minor petitioner is represented by her father has got examined himself as PW1 in his oral evidence has reiterated petition averments and got marked Ex.P1 to Ex.P5. Since the respondent placed exparte, the evidence of PW1 is remained unchallenged.

4. Heard the arguments and perused the records.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is
deserved to be allowed ?

Point No.2: What order?

6. My findings to the above points are as here under;

Point No.1: In the **Affirmative**.

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

R E A S O N S

7. **Point No.1:-** The minor petitioner's father has stated that, his minor daughter was born on 18.03.2008 in Bengaluru. The birth certificate is required for bonafide use. He has approached the respondent for availing the birth certificate but respondent gave an endorsement that the event of birth of said minor petitioner is not entered in the register and issued non-availability certificate at Ex.P1 in response to the petition submitted by her father. The respondent remained absent and placed exparte. The averments of the petition and evidence of PW1 and documentary evidence at Ex.P1 to Ex.P5 are remained unchallenged. Ex.P2 and Ex.P3 notarized copies of Study Certificate as well as Aadhaar card disclose that the date

of birth of minor petitioner is 18.03.2008 and there are no grounds to disbelieve the case of the petitioner. The very object of the Karnataka Registration of Birth and Death Act 1969 is to enter the registration of births and deaths in the concerned register. Therefore, the point No.1 is answered in the **Affirmative**.

8. **Point No. 2:** In view of my findings to the point No.1, I proceed to pass the following;

O R D E R

The petition is **allowed**.

The respondent is hereby directed to enter the date of birth of minor petitioner by name **Harshitha.M D/o Murali Mohan.C** and **Rathnamma.M**, as she was born on **18.03.2008**, in the concerned register and issue birth certificate accordingly on collecting necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected by me and then pronounced in the Open Court on 5th August, 2022.)

(Farooq Zare)
XIX A.C.M.M., BENGALURU.

::A N N E X U R E::

I. List of witnesses examined by petitioner:-

PW.1 :- Murali Mohan.C

II. List of exhibits marked by respondent:-

Ex.P1 :- Non-availability certificate.

Ex.P2 Notarized copy of Study Certificate.

Ex.P3 to Ex.P5 :- Notarized copies of Aadhaar Cards.

III. List of witnesses examined by respondent:- -NIL-

IV. List of exhibits marked by respondent:- - NIL-

(Farooq Zare)
XIX A.C.M.M., BENGALURU.