

**IN THE COURT OF THE II ADDL CIVIL JUDGE & J.M.F.C.,
CHIKODI**

**Present : Smt. Sonu.B
M.B.A. LL.B.
II Addl Civil Judge & JMFC, Chikodi**

Dated this 23th Day of July, 2026

Crl.Misc.No.1364/2025

Petitioners:

1. **Kumar. Omkar Ramesh Narawade,**
Age: 16 years, Occ: Student,
R/o: Manjari, Tq: Chikodi,
Dist: Belagavi
Since minor represented by his
natural guardian mother,
2. **Smt. Shridevi Ramesh Narawade,**
Age: 35 years, Occ: Home Maker,
R/o: Manjari, Tq: Chikodi,
Dist: Belagavi.

(By Shri.L.D.M Advocates.)

V/s.

Respondents:

1. The Tahashildar,
Birth & Death Registrar Chikodi,
Tq: Chikodi.
2. The Village Accountant Manjari,
Tq: Chikodi.
(Ex-parte)

Nature of Petition	PETITION U/S 13(3) R/W RULE 10(3) OF REGISTRATION OF BIRTHS AND DEATHS ACT, 1969
Date of Institution	16-12-2025
Date of recording evidence	13-07-2026
Date of Order	23-07-2026
Total duration	:0 Years 07 Months 07 Days

(Sonu.B)
II Addl. Civil Judge & JMFC,
Chikodi.

ORDER

The petitioner has filed this petition under section 13(3) r/w Rule 10(3) of the Registration of Births and Deaths Act and Rules with a prayer to issue directions to the respondents to enter her son's date of birth as 01-07-2010 born at Manjari Village, in Chikodi Taluka.

2. The brief facts of petitioner's case are as under:

The petitioner No.1 is the permanent resident of Manjari, Tq: Chikodi, Dist: Belagavi, and he was born on 01-07-2010 born at Manjari Village, in Chikodi Taluka, The petitioner No.2 has informed this fact to the respondent No.2 orally. But it has not been

registered in the concerned register maintained by the respondents. The petitioner No.2 has approached respondents office for obtaining her son's birth certificate. But the respondent No.1 has issued non-availability certificate on 09-12-2025 stating that, there is no entry of date of birth of petitioner in the concerned register. Hence, the petitioner No.2 is constrained to file this petition.

3. After registration of this petition, notice was issued to the respondents. In spite of service of notice, respondents did not appear and as such respondents were placed ex-parte.

4. The petitioner No.2 has examined herself as PW1 and got marked 04 documents as Ex.P1 to P4.

5. Heard, perused the petition, oral and documentary evidence placed on record.

6. The points arise for my consideration are as below:

- 1) Whether the petition filed by petitioner deserves to be allowed?**
- 2) What order?**

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

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

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

REASONS

8. Point No.1 : It is petitioner's case that, petitioner No.1 was born on 13-03-2015 born at parental house at 01-07-2010 born at Manjari Village, in Chikodi Taluka and same has been informed to the respondent No.2 orally. But it has not been entered in the concerned register maintained by office of the respondents. The petitioner No.2 has applied for her son's birth certificate before the respondent No.1. But respondent No.1 has issued non-availability certificate stating that, there is no entry about the date of birth of the petitioner. Now the petitioner No.1 is in need of his birth certificate for education purposes.

9. The petitioner No.2 in order to prove her case has filed affidavit in lieu of examination in chief and got examined as PW.1 and reiterated the petition averments and produced 04 documents which are marked as Ex.P-1 to P-04. Ex.P1 is non-availability certificate issued by the respondent No.1 stating that, the date of birth of petitioner No.1 has not been registered in the register of births maintained by respondents' office. Ex.P2 is the Notarized copy of Aadhar Card of petitioner No.1. Ex.P3 is the Leaving Certificate. Ex.P4 is the Notarized copy of Aadhar

Card of petitioner No.2.

10. Section 13(3) of Registration of Birth and Deaths Act, 1969 is reads as under:

13 (3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the first class or a Presidency magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

11. As per the above provision, any births or deaths shall not be entered in the register of births and deaths after one year of the event, without order of the Magistrate of First Class or Presidency Magistrate. In this case the Natural Guardian of Petitioner has been examined before this court and he has reiterated the contents of the petition. During the examination in chief Ex.P.1 to Ex.P.04 has been marked. Ex.P1 is the non-availability certificate issued by the respondent No.1. It discloses that, the date of birth of the petitioner has not been entered in the register of births maintained by respondents office.

12. There is a delay beyond 10 years in seeking registration of birth certificate by the petitioner, in this regard our own Hon'ble High Court of Karnataka, Principal Bench, Bengaluru in **WP No.18413 of 2023 (LB-BMP) in Fathima Richelle Mather D/O Shafi Mather Versus The Registrar Of Births And Deaths And Commissioner** has held that

20. If at all it is the parents of the petitioner who have defaulted in not incorporating his name in the Birth Certificate. A mistake by the parents cannot put the child at a disadvantage since it is the child who is a petitioner now is in requirement of a Birth Certificate with his name on it for use in his employment. The period of 15 years prescribed under the Rules also do not make any sense for the reason that in that 15 years, the child would continue to be a minor. It is only after the child becomes a major, any action could be taken by the child to incorporate his or his name in the Birth Certificate. This aspect would also have to be taken into consideration in these kind of matters. The respondent not having taken the same into consideration, the endorsement issued is bad in law on this ground also.

(Emphasis supplied)

13. As per the order of Hon'ble High Court of Karnataka as stated supra, it may be construed that the delay in seeking registration of birth certificate of the petitioner has to be considered liberally so that he shall not be deprived of enjoyment of his legal rights. So also, the respondents have not filed any objections to the petition. Cross examination of petitioner/PW-1 is taken as nil. Therefore, I do not find any reasons to disbelieve the case of the petitioner. Considering the oral and documentary evidence on record I am of the considered opinion that the petitioner has made out sufficient grounds. Accordingly, I answer point No.1 in the ***Affirmative***.

14. Point No.2 : In view of answering point No.1 in affirmative, I proceed to pass the following:

ORDER

The petition filed by the petitioner under section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondents are hereby directed to enter the date of birth of the petitioner No.1 by name Omkar Ramesh Narawade as 01-07-2010 born at Manjari Village, in Chikodi Taluka, in the concerned birth register on payment of prescribed fees.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in the Open Court on 23th Day of July, 2026)

Place: Chikodi
Date: 23.07.2026

(Sonu.B)
II Civil Judge & JMFC, Chikodi.

: A N N E X U R E :

Witnesses examined on behalf of the petitioner:

PW1 : **Smt. Shridevi Ramesh Narawade,**

Documents marked on behalf of the Petitioner :

Ex.P1 : Non-availability certificate issued by the respondent.
Ex.P2 : Notarized copy of Aadhar Card petitioner No.1
Ex.P3 : Leaving Certificate.
Ex.P4 : Notarized copy of Aadhar Card petitioner No.2

Witnesses examined on behalf of the respondent:

---NIL----

Documents marked on behalf of the respondent :

-----NIL-----

Place: Chikodi
Date: 23.07.2026

(Sonu.B)
II Civil Judge & JMFC, Chikodi.