



Crl.Misc No.157/2026

**IN THE COURT OF CIVIL JUDGE & J.M.F.C.,
AT: HUKKERI**

**Present: ADITYA R. KALAL B.A.L, LL.B, LL.M.,(Symbiosis)
Civil Judge & J.M.F.C., Hukkeri**

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Dated this the 25th day of July 2026

PETITIONER:

Dastageer Appasab Nadaf,
Age : 41 years, Occ : Coolie,
R/o Paschapur Village, Tq: Hukkeri, Dist: Belagavi.

(Represented by Shri. M.K.Kotagi, Advocate)

-V/s-

RESPONDENT:

The Tahasildar, Hukkeri
Tq: Hukkeri, Dist: Belagavi.
(Registrar of Birth and Death),

(Placed Exparte)

ORDERS

This petition is filed by the petitioner U/Sec.13(3) of The
Registration of Births and Deaths Act, 1969.

**BRIEF FACTS :**

2. The petitioner by name Dastageer Appasab Nadaf was born on 01.06.1985 at Paschapur village, Tq:Hukkeri, Dist: Belagavi. After the birth parents of petitioner have intimated to the respondent orally, but the respondent had not registered the same. Now, the petitioner is in requirement of his birth certificate from the competent authority, as such he had filed an application before the respondent and the respondent office has issued non-availability certificate on 23.03.2026 as the date of birth of petitioner was not entered. Hence, the petitioner has filed this petition to enter his date of birth in the respondent's office.

3. In spite of service of notice, respondent has not appeared before the Court and has not contested the case. Hence, he was placed ex-parte.

4. Heard arguments of the learned counsel for the petitioner and perused the materials available on record.

5. The following points arises for the consideration of this Court:

**POINTS**

1. Whether the petitioner has made out sufficient grounds to allow this petition ?

2. What order ?

6. This Court answers the above points as hereunder :

POINT No.1: In the Affirmative

POINT No.2: As per final order

for the following:

REASONS

7. POINT No.1: That the petitioner by name Dastagir Appasab Nadaf is the permanent resident of Paschapur village, Tq: Hukkeri, Dist: Belagavi and that he was born on 01.06.1985. But, the said fact is not registered in the respondent's office due to the ignorance of the petitioner. During the enquiry, the petitioner has got examined himself as P.W.1 and has got marked 3 documents as Ex.P1 to Ex.P3. Among them, Ex.P1 is the non-availability certificate issued by the Tahasildar, Hukkeri which discloses that the date of birth of the petitioner is not registered in the register maintained by the respondent. Ex.P2 is the Aadhaar card of petitioner which shows his name as Dastagir Nadaf and his date of is 01.01.1985. Ex.P-3 is the School Transfer certificate of petitioner



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which shows his name as Dastageer Appasab Nadaf and his date of birth as 01.06.1985. Further, in spite of the service of notice to the respondent, he did not appear before the Court. The evidence of the petitioner is not challenged by the respondent. The oral evidence of the petitioner is corroborated by the documentary evidence. The date of the birth of petitioner is corroborated by the date in the Non-Availability certificate.

8. The object of the Registration of Births and Deaths Act, 1969 is to give legal status to the registration of births and deaths by judicial machinery. A legal duty is cast upon the persons specified in Section-8 to give information to the Registrar of Births and Deaths. Section-13 lays down the procedure for delayed registration of births and deaths. In case of non-registration within one year of the occurrence of birth or death, the registration could take place under Section 13(3) only on an order made by the Magistrate after verifying the correctness of the birth or death. Rule 9(3) of the Karnataka Registration of Births and Deaths Rules, 1999 states that any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order of a Magistrate of the First Class or a Presidency



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Magistrate under Section 13(3) and on payment of a late fee of rupees ten.

9. On the basis of the enquiry which is conducted before the Court, the petitioner has sworn on oath and has stated that his date of birth is not been registered and that he was born on 01.06.1985 at Paschapur village, Tq: Hukkeri, Dist: Belagavi within the jurisdiction of this Court. The said evidence has remained uncontroverted. Hence, there is no reason to disbelieve the evidence of the petitioner and therefore, I am of the considered opinion that, the petitioner has made out grounds to allow this petition and accordingly, ***this Court answers point No.1 in the Affirmative.***

10. POINT No.2: In the result, this Court proceeds to pass the following:

O R D E R

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

The respondent is hereby directed to enter the date of birth of Dastagir Appasab Nadaf



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(ದಸ್ತಗೀರ ಅಪ್ಪಾಸಾಬ ನದಾಫ), that he was born at Paschapur village, Tq:Hukkeri, Dist: Belagavi on 01.06.1985, in the Register after collecting late fee and issue birth certificate, accordingly.

It is needless to state that the said entry does not tantamount to conclusive evidence of the disputed date of birth.

(Dictated to the Stenographer, directly on the computer, typed by her, corrected by me and then pronounced in the Open Court on this the 25th day of July, 2026)

**(Aditya R. Kalal)
Civil Judge & JMFC., Hukkeri**

**ANNEXURE****List of witnesses examined on behalf of petitioners:**

P.W.1 : Dastageer Appasab Nadaf

List of documents exhibited on behalf of petitioners:

Ex.P-1 : Non Availability Certificate

Ex.P-2 : Attested Copy of Aadhar card

Ex.P-3 : School Transfer certificate

List of witnesses examined on behalf of respondent:

NIL

List of documents exhibited on behalf of respondent:

NIL

(Aditya R. Kalal)
Civil Judge & JMFC., Hukkeri



(Order pronounced in open court, vide separate order)

ORDER

**Civil Judge and JMFC.,
Hukkeri.**