



Crl.Misc No.207/2026

**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 5th day of June 2026

PETITIONER:

1. Basavaraj Yallappa Goudar,
Age : 20 years, Occ : Education,
R/o Katabli Village, Tq: Hukkeri, Dist: Belagavi

(By Shri. R.S.Khot, Advocate)

-V/s-

RESPONDENT:

The Tahasidar, Hukkeri
(Registrar of Births and Deaths)
Tq: Hukkeri, Dist: Belagavi.

(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 Basavaraj Yallappa Goudar was born on 12.12.2005 at Katabali village, Tq:Hukkeri, Dist: Belagavi. Due to ignorance/ oversight, the petitioner had not intimated his date of birth to the concerned authority. 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 05.05.2026 as the date of birth of Basavaraj Yallappa Goudar 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 and treated as absent.

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 Basavaraj Yallappa Goudar is the permanent resident of Katabali village, Tq: Hukkeri, Dist: Belagavi and that he was born on 12.12.2005. 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 5 documents as Ex.P1 to Ex.P5. Among them, Ex.P1 is the non-availability certificate issued by the Chief Registrar of Births and Deaths, 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 S.S.L.C. Marks card, shows the date of birth of the petitioner



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as 12.12.2005, Ex.P-3 is the School leaving certificate of petitioner also shows his date of birth as 12.12.2005, Ex.P-4 is the Aadhar card of petitioner, Ex.P-5 is the Call up notice for recruitment training in territorial army which shows that the petitioner is in need of his birth certificate for the purpose of his job. 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 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



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

On the basis of the enquiry which is conducted before the Court, the petitioner has sworn on oath and has stated that the his birth son has not been registered and that he born in Katabali 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.***

9. 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.



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The respondent is hereby directed to enter the date of birth of Basavaraj Yallappa Goudar (ಬಸವರಾಜ ಯಲ್ಲಪ್ಪ ಗೌಡರ), at Katabali village, Tq:Hukkeri, Dist: Belagavi as 12.12.2005, 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 5th day of June, 2026)

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

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

P.W.1 : Basavaraj Yallappa Goudar

List of documents exhibited on behalf of petitioners:

Ex.P-1 : Non Availability Certificate
Ex.P-2 : S.S.L.C. Marks Card
Ex.P-3 : School Transfer certificate
Ex.P-4 : Attested Copy of Aadhar card
Ex.P-5 : Call Up

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

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(Order pronounced in open court, vide separate order)

ORDER

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