

FINAL ORDER

1. The petitioner has sought for correction of his/ her birth particulars in the register of the Births.
2. It is seen that the court has no power under section 15 of The Registration of Births and Deaths Act 1969 to make correction or cancellation of the entry in the register of births.
3. Hence the said section is herewith extracted for proper understanding.

Section 15 : . Correction or cancellation of entry in the register of births and deaths.- If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

4. Therefore it is clear that the petitioner has to approach the Said Registrar and ask for correction or cancellation of the entry in the register of births and deaths. The power of the Civil Court under The Registration of the Births and Deaths Act 1969 is impliedly barred.

5. Therefore the petitioner is directed to approach the concerned Register of Births.

6. If such application is made to the Registrar of Births, the said Registrar is within his power to make the correction or cancellation of the entry by making suitable entry in the margin without alteration of the original entry and shall sign the marginal entry.

7. ***The Hon'ble High Court of Karnataka has held in ILR 2019 Kar 2606 in Sanjib Das And Anr VS The Commissioner Bruhat Bengaluru Mahanagar Palike and another,*** that "the nature of correction that is sought, being a spelling error would also be an error that could be described to be an error in form as referred to under section 15 of the Act."

Hence the following :

ORDER

The Registrar of Births is directed to verify and make the corrections if there are within the framework of section 15 of the Act including the spelling mistake by making correction or cancellation of the entry by making suitable entry in the margin without alteration of the original entry and shall sign the marginal entry.

THE CASE IS DISPOSED OFF IN THE ABOVE TERMS

Sd/-
CJ & JMFC, Hukkeri