

KABG710018682026



IN THE COURT OF THE I ADDL. CIVIL JUDGE AND J.M.F.C.:
AT KHANAPUR

PRESENT: Smt. Nayana S. Alwandi,
B.A.,LL.B.(Hons.), LL.M.
I Addl. Civil Judge & J.M.F.C., Khanpur.

Dated: This the 09th day of July, 2026.

Crl. Mis : 502/2026

Petitioner/s : **Sri. Babajan S/o. Mohamadsab Benchali,**
Age: about 34 years, Occ: Driver,
R/o: H.No.166, Olamani,
Tal: Khanapur, Dist: Belgaum.

(Rep by Shri. I. N. Naik Adv.)

V/S

Respondent/s: The Tahsildar Khanapur.
Tal: Khanapur, Dist: Belgaum.

(Represented by learned APP)

ORDER

The petition is filed U/sec.13(1)(3) Karnataka Birth and Death Registration Act, seeking direction to the respondent to register the date of birth of the petitioner as 02.03.1992 and to issue birth certificate to that effect.

1. The case of the petitioner is as follows:

The petitioner by name Shri. Babajan S/o. Mohamadsab Benchali was born on 02.03.1992 at Bastwad village, Tq: Khanapur. However, due to oversight the birth of the petitioner was not registered with respondent authority and therefore, necessary entry in the birth register could not be made. The birth certificate of petitioner is required for official purpose. When the petitioner approached the respondent seeking the birth certificate of the petitioner, the respondent issued endorsement regarding non-availability of the birth entry of petitioner. Hence, the petition.

2. On service of notice, the respondent appeared through learned APP and did not file objection.

3. The petitioner got examined as Pw-1 and got marked ExP-1 to ExP-3.

4. Heard the counsel for the petitioner and perused the materials on record.

5. The following points arise for my consideration:-

POINTS

1. Whether the petitioner is entitled to direction to the respondent to register his date of birth as 02.03.1992 in the concerned birth register maintained by the respondent and for issuance of birth certificate?
2. What order?

6. My answers to the above points are as follows:

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1**:- The petitioner examined as Pw-1 and got marked Ex.P-1 to 3. He deposed that, he was born on 02.03.1992 at Bastwad village, Tq: Khanapur. At the time of his birth, the necessary birth entry could not be made in the concerned birth register due to oversight. When he approached the respondent to get the birth certificate he was issued non-availability certificate as per ExP-1. Ex.P2 is the notarized copy of leaving certificate of petitioner and Ex.P3 is the notarized copy of Aadhar card of petitioner.

8. The respondent though appeared has not filed any objection. Hence, the case of the petitioner has remained unchallenged.

9. The petitioner has stated that the birth certificate of petitioner is required for official purpose. Ex.P1 is the Non-Availability Certificate pertaining to petitioner discloses that, his birth date was not registered. On perusal of the oral and documentary evidence on record, it reveals that the petitioner was born on 02.03.1992 and necessary entry regarding date of birth is not entered in the birth register. Hence, I am of the opinion that the petitioner is entitled for the direction to the respondent to register date of birth of

petitioner in order to obtain his birth certificate. Accordingly, Point No.1 is answered in the Affirmative.

10. **Point No.2:** In view of the above discussion, I pass the following:

ORDER

The petition filed U/sec.13(1)(3) of Birth and Death Registration Act., is hereby allowed.

The respondent is directed to register the date of birth of the petitioner Shri. Babajan S/o. Mohamadsab Benchali as 02.03.1992 at Bastwad village, Tq: Khanapur in the concerned register of birth and accordingly issue birth certificate after collecting the prescribed fee.

It is clarified that, this order shall not be conclusive proof regarding date of birth of petitioner Shri. Babajan S/o. Mohamadsab Benchali on 02.03.1992 at Bastwad village, Tq: Khanapur, if it is

disputed any civil or criminal
proceedings.

No order as to costs.

(Dictated to the Stenographer directly on computer, the same is revised, edited and corrected by me and then pronounced in the open court on this 09th day July, 2026)

Sd/-

(Nayana S. Alwandi)
I Addl. Civil Judge, &.J.M.F.C.
Khanapur.

ANNEXURE

List of witnesses examined by the petitioner:

Pw-1 : Shri. Babajan S/o. Mohamadsab Benchali

List of documents produced by the petitioner:

Ex. P1 : Non-availability certificate
Ex. P2 : Notarized copy of leaving certificate of petitioner
Ex. P3 : Notarized copy of Aadhar card of petitioner

List of witnesses examined by the respondent:

-Nil-

List of documents produced by the respondent:-

- Nil-

Sd/-

(Nayana S. Alwandi)
I Addl. Civil Judge, &.J.M.F.C.
Khanapur.