



MUDALAGI

Crl.Misc.No.505 /2025

PETITIONER : Nurjahan D/o Abdulrahman Sayyad,
After Marriage Nurjahan W/o Mirasab Shapur,
Age: 74 Years, Occ: House hold,
R/o : Sanganakeri, Tal: Mudalagi,
Dist: Belagavi-591224,
Aadhaar No.599279323051.

(By Sri. M.M.M. Advocate,)

V/s

RESPONDENTS:1 : The Tahasildar,
Registrar of Birth & Deaths,
Gokak, Dist: Belagavi.

2 : The Tahasildar,
Registrar of Birth & Deaths,
Mudalagi, Dist: Belagavi.

(Ex-parte)

ORDERS ON MAIN PETITION

This is a petition filed by the petitioner U/sec.13(3) of Registration of Birth and Death Act, seeking direction from this Court to the respondent authorities to cause to enter the date of birth of petitioner in the register maintained by the respondent authorities.

2. In spite of due service of notice, the respondents are not appeared before this Court. As such, they are placed absent.

3. Heard petitioner counsel and perused materials available on record.

4. The points that would arise for consideration of this Court are as follows:

P O I N T S

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

2. What order?

5. The findings of this Court on the aforesaid points are as follows.

Point No.1: In the Affirmative.

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

REASONS

6. POINT No.1:- The Petitioner has got examined before the Court as PW-1, who filed affidavit in lieu of her examination in chief, wherein she has reiterated the averments of the petition. It has been contended by the petitioner that she was born on 01-01-1951 as per school records at Sangankeri village of Mudalagi Taluka, District Belagavi and celebrating her birthday every year on the above said date and month. Further it is stated that her parents were under bonafide impression that the respondent authorities themselves voluntarily entered the date of birth and due to inadvertence her date of birth has not been communicated and registered in the concerned register maintained by the respondent authorities. The PW-1 further contended that when petitioner approached the respondent authorities for issuance of birth certificate, the respondent No.1 has issued non availability certificate dated 20-11-2025. She further pleaded that her birth certificate is very much essential for obtaining passport.

7. To substantiate aforesaid petition averments, the petitioner herself examined as PW-1 by filing affidavit in lieu of her examination in chief, wherein petitioner has re-iterated entire contents of the petition averments. To

substantiate the oral evidence, the petitioner has produced Ex.P1 non availability certificate which discloses that her date of birth is not registered in the register of birth and death maintained by the respondents. Ex.P2 is the Aadhar card copy of petitioner, Ex.P3 is the notarized PAN card copy of petitioner, The Ex.P1 document clearly substantiate the fact that the petitioner is born on 01-01-1951. There is nothing on record to disbelieve the case of the petitioner that she is born on 01-01-1951 at Sangankeri village. Moreover, the case of the petitioner is remained unchallenged and un-rebutted as the respondents in spite of due service of notice has not contested the case of the petitioner. On collective consideration of the both oral and documentary evidence of the petitioner clearly established that the petitioner has born on 01-01-1951 and said factum of her birth has not been registered in the concerned register maintained by the respondents. As such, there is no impediment to this Court to allow the petition filed by the petitioner. Hence, this Court is inclined to answer the Point No.1 in the Affirmative.

8. POINT No.2 : In view of aforesaid discussions this Court proceeds to pass following:-

ORDER

The petition filed by the petitioner U/sec.13(3) of Registration of Birth and Death Act 1969, is hereby allowed.

Respondents are directed to register the date of birth of petitioner by name **Nurjahan D/o Abdulrahman Sayyad** who born on **01-01-1951** at **Sangankeri** village of **Mudalagi Taluka** in the concerned register by obtaining necessary fee in accordance with law.

The date of birth of the petitioner is not a conclusive proof if any dispute arise with regard to entry as to date of birth of the petitioner.

(Dictated to the Stenographer directly on computer, printout taken by him, once revised and corrected then pronounced by me in the open court on 27th day of JUNE - 2026)

(SMT. SAVITA NINGAPPA MUKKAL)
Civil Judge & JMFC., Mudalagi

: ANNEXURE :

1. List of witness examined on behalf of petitioner:-

PW-1 : Nurjahan D/o Abdulrahman Sayyad

2. List of documents exhibited on behalf of petitioner:-

Ex.P1 : Non availability certificate
Ex.P2 : Aadhar Card.
Ex.P3 : Notarized copy of PAN card

3. List of witness examined on behalf of respondents

: -NIL-

4. List of witnesses & documents on behalf of respondents.

: -NIL-

(SMT. SAVITA NINGAPPA MUKKAL)

Civil Judge & JMFC., Mudalagi

