

KABI600009492026



IN THE COURT OF CIVIL JUDGE AND JUDICIAL MAGISTRATE
FIRST CLASS, AT SANDUR

:: P R E S E N T ::

Sri. MD. SHAIZ CHOUTHAI,

B.A.,LL.B.(Hons.), LL.M.

Civil Judge & JMFC, Sandur.

Dated: 18th Day of June, 2026

Criminal Misc. No. 484/2026

Petitioner/s:

Narayana S/o Late Thippanna,
Aged about 43 years,
R/o Ward No. 23, Near Ankamma Temple,
Thoranagal R.S.,
Sandur Taluk, Ballari District.

(By Kum. B.S., Advocate)

- Vs -

Respondent/s:

The Chief Officer - Cum –
Registrar of Birth and Deaths,
TMC Kurekappa,
Sandur Taluk, Ballari District.

(Exparte)

ORDERS

The petitioner has filed this petition U/s.13(3) of Karnataka Registration of Births and Deaths Act, 1969 to direct the respondent to issue his Birth certificate.

2. Brief facts of petitioner's case are that :-

The petition filed by the Petitioner U/s.13(3) of Karnataka Registration of Births and Deaths Act, 1969, praying to direct the Respondent to register his birth date as 01.09.1983 at Toranagallu R.S, Sandur Taluk, Ballari District in the register maintained by the Respondent. Because of lack of parents knowledge, they have not entered birth date of petitioner with respective Authorities. He required the Birth Certificate for the purpose of Aadhar card correction. When he had approached respondent for issuance of his Birth Certificate, they issued an endorsement stating that, since no report has been made regarding birth date of petitioner, there was no entry found in their Birth Register and hence they are unable to issue the Birth Certificate. Hence, this petition.

3. After service of summons, respondent remains absent.
Hence, placed *exparte*.

4. The petitioner got examined himself as PW1 and also sworn an affidavit and relied on 3 documents, which were marked as Ex.P1 and Ex.P2.

5. Heard learned counsel for petitioner.

6. Now, the points that arises for my consideration are:-

1. Whether the petitioner has made out grounds for issuance of direction to the respondent to make an entry in the Birth and Death register of the respondent's office with regard to his date of birth, as 01.09.1983?

2. What order?

7. My answer to the above points are as under:-

POINT No.1 : In the Affirmative

**POINT No.2 : As per final order
for the following:-**

REASONS

8. **POINT NO.1:-** In order to prove the above point, the petitioner relies on his oral as well as documentary evidence which

were marked as Ex.P1 and Ex.P2. Ex.P.1 is the Non-Availability Certificate and Ex.P2 is the Attested copy of driving license. Ex.P.1 is the Non-availability certificate, which discloses that, the date of birth of petitioner is not registered with respondent. The petitioner has produced Ex.P.2 is the Attested copy of driving license, it discloses that he was born on 01.09.1983. The respondent has not discredited the statement of petitioner given on oath with regard to his birth date. Anyhow, no contrary evidence is placed to disbelieve the versions of PW1, hence evidence of PW1 remains unchallenged. Further nothing holds from disbelieving the version of PW1. From both oral and documentary evidence, the petitioner has clearly established that, she born on 01.09.1983. Hence, Point No.1 is answered in **Affirmative**.

9. **POINT NO.2:-** Reasons assigned to Point No.1 resulted in following:-

: O R D E R :

The petition is hereby allowed.

The respondent is directed to make entry with respect to the date of birth of petitioner- Narayana S/o Late Thippanna, as on 01.09.1983 at

Toranagallu R.S, Sandur Taluk, Ballari District, in the concerned register and issue the birth certificate to the petitioner after collecting necessary fee.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the open Court, on this the 18th day of June, 2026)

(MD. SHAIZ CHOUTHAI),
Civil Judge and J.M.F.C., Sandur.

:: ANNEXURES ::

1. List of witness examined for Petitioner/s:

PW-1 : Narayana S/o Late Thippanna

2. List of documents exhibited for Petitioner/s:

Ex.P.1 : Non availability certificate

Ex.P.2 : Attested copy of driving license of petitioner

3. List of witness examined for Respondent/s:

-Nil-

4. List of documents exhibited for Respondent/s:

-Nil-

(MD. SHAIZ CHOUTHAI),
Civil Judge and J.M.F.C., Sandur.