

KABI600016872025



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: 15th Day of July - 2026

Criminal Misc. No.745/2025

Petitioner/s:

H. Hanumakka W/o H. Durugappa,
Aged about 35 years,
R/o Shriramshetty village,
Bandri Post,
Sandur Taluk, Ballari District.

(By Sri. M.M., Advocate)

- Vs -

Respondent/s:

The Tahasildar - Cum –
Registrar of Birth and Deaths,
Taluk Office, Sandur,
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 Birth certificate of her daughter.

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 the birth date of her daughter Huligemma. H D/o H. Durugappa as 21.01.2017, at Sriramsetty village, Sandur Taluk, Ballari District., in the register maintained by the Respondent. Because of lack of knowledge, they have not entered birth date of her daughter with respective Authorities. She required the Birth Certificate for the purpose of education. When she had approached respondent for issuance of Birth Certificate of her daughter, they issued an endorsement stating that, since no report has been made regarding birth date of petitioner's daughter, 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 herself as PW1 and also sworn an affidavit and relied on 3 documents, which are marked as Ex.P1 to Ex.P3.

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 date of birth of her daughter, as 21.01.2017?

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 her oral as well as documentary evidence which were marked as Ex.P1 to Ex.P3. Ex.P1 is the Non-Availability Certificate, Ex.P2 is the School certificate of petitioner's daughter and Ex.P3 is the Attested copy of Aadhaar card of petitioner. Ex.P2 is the School certificate of petitioner's daughter which discloses that the date of birth of her daughter is 21.01.2017. The respondent has not discredited the statement of petitioner given on oath with regard to birth date of her daughter. 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, her daughter was born on 21.01.2017. 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's daughter - Huligemma. H D/o H. Durugappa as 21.01.2017, at Sriramsetty village, 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 15th day of July, 2026)

(MD. SHAIZ CHOUTHAI),
Civil judge & JMFC, Sandur.

:: A N N E X U R E S ::**1. List of witness examined for Petitioner/s:**

PW1 : H. Hanumakka W/o H. Durugappa

2. List of documents exhibited for Petitioner/s:

Ex.P1 : Non availability certificate.
Ex.P2 : School certificate of petitioner's daughter
Ex.P3 : Attested copy of Aadhaar card 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 & JMFC, Sandur.