

ORDERS ON MAIN PETITION

The petitioner has filed this petition U/Sec.13(3) of the Registration of Births & Deaths Act and has prayed to issue direction to the respondent to enter the date of birth of the petitioner by name **Mahammad S/o. Marjusab** as on 01.01.1994 in the concerned records.

2. The case of the petitioner, in brief, is as under:

It is pleaded by the petitioner that, the petitioner is the permanent resident of Siruguppa town, Siruguppa taluk. The petitioner approached the respondent office for obtaining birth certificate of himself and moved an application for the same. After verifying the concerned records of births and deaths, the respondent intimated that the birth of the petitioner is not entered in the concerned records and has issued non-availability certificate. Then only the petitioner came to know about non registering the date of birth of petitioner in time. Non-reporting of date of birth of petitioner is not intentional one and it is bonafide one. Hence, it is prayed before this court to allow the petition.

3. After due service of notice, the respondent has been remained absent.

4. In order to prove the case, the petitioner has got himself examined as PW.1 and has got marked Ex.P.1 and P.2 documents.

5. Heard arguments. Perused the records placed before this court.

6. The points that arose for my consideration are as under:

POINTS

- 1) Whether the petitioner has made out sufficient grounds to allow the petition?
- 2) What order?

7. My answers to the above points are as follows.

Point No.1: In the Affirmative.

Point No.2: As per final order

For the following;

REASONS

8. **Point No.1:** The Petitioner has got himself examined before this court as PW.1 and he has reiterated the contents of the petition in his examination-in-chief. Ex.P-1 is the non availability certificate, Ex.P.2 is the transfer certificate issued by Head Master, Government Higher Primary School, KHB colony, Siruguppa.

9. In order to show that the petitioner has applied before the respondent seeking issuance of birth certificate of his and that the non-availability certificate was issued, Ex.P.1 is produced, the document wherein the respondent has stated that the birth of the petitioner i.e., **Mahammad S/o. Marjusab** has not been registered.

10. The petitioner has corroborated his oral evidence by producing documentary evidence. The evidence of petitioner has remained unchallenged and undisputed.

11. This court has verified the correctness of birth of the of the petitioner. The orders under the Registration of Births & Deaths Act do not refer to the date of birth but only factum of birth. Thus it is made clear that the mention of date of birth herein is not in the nature of declaration. The petitioner has

made out sufficient grounds to allow the petition. **Thus, the Point No.1 is answered in the Affirmative.**

12. **Point No.2:** In view of the findings on Point No.1, this court proceeds to pass the following;

ORDER

The Petition filed by the petitioner U/Sec.13(3) of Birth and Death Registration Act is hereby allowed.

The respondent is hereby directed to enter the birth of the petitioner by name **“Mahammad S/o. Marjusab”** as if he is born on 01.01.1994 at Siruguppa town, Siruguppa taluk, after collecting the necessary fee as required under law.

It is made clear that the mention of date of birth herein is not in the nature of declaration.

(Dictated to the Typist directly on the computer and typed by him, corrected and then pronounced by me in the Open Court on this the 23rd day of June-2026).

(Ashok R.H)
Civil Judge and JMFC,
Siruguppa.