

KABR610003922026



**IN THE COURT OF PRL. CIVIL JUDGE AND
JMFC, NELAMANGALA.**

Dated this the 20th day of May-2026

***Smt. POOJA SHETTI, B.A., LL.B (HONS)
Prl. Civil Judge & J.M.F.C.,
Nelamangala.***

Crl.Mis.No.70/2026

Petitioner :

- 1. Sri. Chikkanna G.C.,
S/o late Chittayya,
Aged about 40 year,
R/at: Kengal Gollarahatti Village,
Sompura Hobli,
Nelamangala Taluk,
Bengaluru Rural District.***

(By Sri. Hareesh P.G., Adv.,)

V/s.

Respondent :

***The Thahasildhar,
(Registrar of births and deaths)
Nelamangala Taluk,
Bengaluru Rural District.***

(Exparte)

***Prl. Civil Judge & JMFC
Nelamangala.***

ORDER

The petitioner has filed present petition against the respondent U/s 13(3) and 14 of Births and Death Registration Act for seeking direction to the respondent to register date of birth of petitioner's son by name Ruthvik G.C S/o Nethravathi N.J and Chikkanna G.C as born on 02.04.2018 born at Sompura, Nelamangala Taluk, Bengaluru Rural District and to issue Birth certificate.

2. The fact of the petitioner's case is that, son of petitioner was born on 02.04.2018 situated at Sompura, Nelamangala Taluk, Bengaluru Rural District. However due to lack of knowledge his birth has not been intimated to the respondent. Now the petitioner is in need of birth certificate of his son hence, when the petitioner approached the respondent, the respondent issued Non-availability certificate pleading his inability to issue birth certificate. Hence the petition.

3. On service of notice, the respondent remained absent hence placed exparte.

4. In order to prove her case, the petitioner got himself examined as PW.1 and got marked 3 documents as Ex.P1 to Ex.P3.

5. Heard learned counsel for petitioner, perused the entire record. After perusal the the points that arise for my consideration are as follows :-

1. *Whether the petitioner has made out grounds under Section 13(3) of Birth and Death Registration Act to seek direction to the respondent for issuance of birth certificate to him?*
2. *What order?*

6. My findings 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 fact of the petitioner's case is that, son of petitioner was born on 02.04.2018., situated at Sompura, Nelamangala Taluk, Bengaluru Rural District. However due to lack of knowledge his birth has not been intimated to the respondent. Now the petitioner is in need of birth certificate of his son hence, when the petitioner approached the respondent, the respondent issued Non-availability certificate pleading his inability to issue birth certificate. As against this allegation, admittedly respondent hasn't made any defence owing to his failure to appear before the court.

8. In support of his contention, the petitioner got himself examined as PW-1 and got marked 3 documents as Ex.P1 to 3. Ex.P-1 is non availability certificate whereas, Ex. P-2 is

Genealogical tree of petitioners family and Ex.P3 is Mother Card. On perusal of Ex.P3 the date of birth of petitioner by name Ruthvik G.C S/o Nethravathi N.J and Chikkanna G.C is 02.04.2018. Hence the petitioner has made out grounds to allow the application. Further when the respondent remained exparte there is no reason to disbelieve the case of petitioner.

9. It is also well settled that in a proceeding under Section 13(3) of Births and Death Act, Court is concerned with the factum of birth or death and date of birth and date of death is not relevant. This proposition finds support from the ratio laid down by *Hon'ble High Court of Karnataka in 2000(4) KCCR (State of Karnataka Vs Smt. Annakka)* which reads thus:

8. REGISTRATION OF BIRTHS AND DEATHS ACT, 1969:

- *Under Section 13(3)- Direction to make an entry in the Birth Register by the Magistrate- Challenged on the ground that except the statement of applicant on oath there was no other material.*
- *Held: the Magistrate in proceeding under Section 13(3) only ascertains the birth of the child and date is not the material consideration as such directions bind only the registration*

office under the Act to make an entry and does not carry higher probative value.

10. Further when the respondent remained exparte there is no reason to disbelieve the case of petitioner. Reverting to the factual matrices of the present case, having regard to materials available on record and in the absence of justifiable grounds to reject application petitioner certainly direction can be issued to the respondent to make necessary entry in the concern register. Hence I answer this Point No.1 in the affirmative.

11. Point No.2: In view of the reasons discussed above I proceed to pass the following.

ORDER

The petition filed under Section 13(3) of Registration of Births and Deaths Act, 1969 by the petitioner is hereby allowed.

Respondent is directed to enter name of petitioner as Ruthvik G.C S/o Nethravathi N.J and Chikkanna G.C. was born on 02.04.2018 situated at Sompura, Nelamangala Taluk, Bengaluru Rural District, in the concerned register and to issue birth certificate of son of the petitioner, to the petitioner after collecting prescribed fee.

(Dictated to the Stenographer and corrected by me and then pronounced in the open court on the 20th day of May, 2026)

**(SMT. POOJA SHETTI)
Pr. Civil Judge & JMFC,
Nelamangala.**

: ANNEXURE :

1. Witnesses examined on behalf of the petitioner:

PW1 : Chikkanna G.C.

2. Documents marked on behalf of the Petitioner :

Ex.P-1 : Non availability certificate.

Ex.P-2 : Genealogical tree of petitioners family.

Ex.P-3 : Mother Card.

3. Witnesses examined on behalf of the respondents: NIL

4. Documents marked on behalf of the respondents : NIL

**Prl. Civil Judge & JMFC,
Nelamangala.**