

KACD220010402026



Presented on : 06.04.2026
Registered on : 06.04.2026
Decided on : 01.06.2026
Duration : 0 years, 01 month, 25 days

**IN THE COURT OF ADDITIONAL CIVIL JUDGE AND
J.M.F.C., AT: CHALLAKERE**

Present: **Sri. PUNITH. B.R.**
B.A., L.L.B.,
Addl. Civil Judge and JMFC., Challakere.

Dated on the 1st day of June 2026

Crl.Misc.No.315/2026

PETITIONER:

1. N. Gowramma W/o Mahanthesh M.
aged about 40 years.
2. Sharath Babu M S/o Mahanthesh M,
aged about 11 years, minor represented by her
mother i.e., petitioner No.1.

Both are r/o Chikkachelluru Village,
Parashurampura Hobli, Challakere Taluk,
Chitradurga District.

(By Sri. K. Jayappa. Advocate)

V/s

RESPONDENT :

The Tahasildar,
(Registrar of Births and Deaths)
Challakere.

(Absent)

ORDER

This is a petition filed by the petitioner U/Sec.13(3) of
Registration of Births and Deaths Act, 1969 for a direction to the
respondent to register the birth particulars of petitioner No.2 as

born on 30.01.2011 at Chikkachelluru Village, Parashurampura Hobli, Challakere Taluk.

2. **In brief the case of petitioner is as follows:-**

That, the petitioner No.1 is the mother of petitioner No.2. The petitioner No.2 was born on 30.01.2011 at Chikkachelluru Village, Parashurampura Hobli, Challakere Taluk. The birth event of the petitioner No.2 was not entered in the register maintained by the respondent in his office. It is further stated that, the petitioners submitted an application to respondent for issuing birth certificate. But, the respondent refused to issue the same and endorsed that the event of birth of petitioner No.2 is not found in the concerned register and issued the non-availability certificate. The petitioners require birth certificate of petitioner No.2 for the sake of document. Due to lack of knowledge, the petitioners have not informed the event of birth. Hence, they have filed the petition.

3. In spite of service of notice to the respondent, the respondent has not appeared. Hence, respondent was placed absent.

4. In support of their petition, the petitioner No.1 has examined herself as PW-1 and got marked 03 document as Ex.P1 to Ex.P3.

5. Heard the arguments. Perused the documents available in record.

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

- 1) Whether the petitioners prove that the petitioner No.2 was born on 30.01.2011 at

Chikkachelluru Village, Parashuram pura
Hobli, Challakere Taluk?

2) Whether the respondent is to be directed
for registering the date of birth of
petitioner No.2 in the concern register?

3) What order?

7. My answer to the above points are:-

Point No.1 : In the affirmative.

Point No.2 : In the affirmative.

Point No.3 : As per final order for the following:

REASONS

8. **POINTS NO.1 & 2:-** These points are taken up together for common discussion as they are inter-linked and to avoid repetition of facts.

9. The petitioner No.1 examined herself as PW-1 and has reiterated the petition averments in her evidence. She has stated that, her son i.e., petitioner No.2 was born on 30.01.2011 at Chikkachelluru Village, Parashurampura Hobli, Challakere Taluk. Ex.P1 is non-availability certificate. It shows that the birth particulars of petitioner No.2 is not entered in the register maintained by respondent. Ex.P2 is the School Admission extract and Ex.P3 is the notarized copy of Aadhar Card of petitioner No.2 wherein the date of the birth of petitioner No.2 is entered as 30.01.2011. The birth date of the petitioner No.2 claimed herein very much tallies with the birth date mentioned in Ex.P2 and Ex.P3. These documents reveals that Sharath Babu M S/o Mahanthesh M is the petitioner No.2 and he is resident of Chikkachelluru Village, Parashurampura Hobli, Challakere Taluk. The petitioners by adducing oral evidence coupled with Ex.P2 and Ex.P3 documentary evidence established that the date of birth of petitioner No.2 is 30.01.2011.

From the oral evidence it is crystal clear that petitioners require birth certificate for education purpose.

10. The respondent has not led any evidence to discard the case of petitioner. As such, there is no reason to disbelieve the oral and documentary evidence produced by the petitioners. The evidence of the petitioner No.1 clearly shows that, the petitioner No.2 was born on 30.01.2011 at Chikkachelluru Village, Parashurampura Hobli, Challakere Taluk. As per Ex.P1, endorsement issued by the respondent, birth date of the petitioner No.2 is not entered in the concerned register maintained by the respondent's office.

11. Regarding probative value of entry made in pursuance of order of Magistrate under Section 13(3) the Hon'ble High Court of Karnataka in State Of Karnataka Vs Smt. Annakka reported in ILR 2000 KAR 4770 held as follows:- *“The law says that an entry which has not been made within one year of its occurrence cannot be made without an order of the Magistrate. Section 13(3) of the Act is just a constraint on the Registrar: It is not a provision whereby an aggrieved party could get an adjudication on his disputed date of birth. The order of the Magistrate binds only the Registrar and not others. The entry made by the Registrar, pursuant to an order of the Magistrate, cannot carry higher probative value and its proof must necessarily depend upon the facts and circumstances of each case.”*

12. In view of above legal dictum, evidence on record, the facts of the case and considering the essentiality of birth certificate in day to day affairs, this Court is of the opinion that, necessary directions may be issued to the respondent to enter

the birth date of the petitioner No.2 in the concerned register. Accordingly, Court answer points No.1 & 2 in the **affirmative**.

13. **POINT NO.3:-** In view of the above discussion, Court proceed to pass the following:-

ORDER

The petition filed by the petitioner is hereby allowed.

Consequently, respondent is hereby directed to enter the birth particulars of petitioner No.2 by name Sharath Babu M S/o Mahanthesh M, as born on 30.01.2011 at Chikkachelluru Village, Parashurampura Hobli, Challakere Taluk in the concerned Birth Register maintained by them, by collecting prescribed fee and late fee, if any.

The respondent is also directed to mention in the birth certificate that the same is issued in pursuance of this order. It is made clear that, if any dispute arises in connection with the date of birth or place of birth, it will be subject to the decision of the competent Civil Court.

The petitioners shall bear their own costs.

(Dictated to the Stenographer, directly on Computer and typed by him. The same is corrected and then pronounced by me in the open Court on this the **1st day of June 2026**)

(**PUNITH. B.R.**)
Addl. Civil Judge & JMFC.,
Challakere.

ANNEXURE

List of witnesses examined on behalf of the petitioner:-

PW.1 :- Gowramma

List of documents marked on behalf of the petitioner:-

Ex.P1 :- Non-Availability Certificate

Ex.P2 :- School admission extract

Ex.P3 :- Copy of Aadhar Card

List of witnesses examined for the respondent:-

-Nil-

List of documents marked for the respondent:-

-Nil-

Addl. Civil Judge & JMFC.,
Challakere.