

**IN THE COURT OF XXXVI ADDITIONAL CHIEF
METROPOLITAN MAGISTRTE, BENGALURU**

**Present: Sri.Nitin Yeshwanth Rao,
B.Com., L.L.B., Spl.,
XXXVI ACMM., Bengaluru.**

Dated this the 22nd day of June 2023

Cri.Misc.No.3537/2023

Petitioner: Manjunatha N.C.
S/o N.P.Cheluvaraju,
Aged about 51 years,
R/at:No.811, 14th Main,
22nd Cross, Near Aurobinda School,
Banashankari II Stage,
Bengaluru.

(By Sri.SGV. Adv.,)

V/S

Respondent: The Commissioner,
Registrar of Birth and Death,
BBMP, Bengaluru.

(Exparte)

ORDER

The petition is filed by the petitioner U/s.13(3) of the Birth and Death Registration Act, praying to direct the respondent to make an entry of the date of birth of the petitioner's son by name Vihaan Manjunath. S/o Manjunatha N.C. and Smt.Bindu B.C. as on 24/3/2007 in the Birth Register maintained by the respondent.

2. The brief facts of the case of the petitioner are as under:

That he is a permanent resident of No.811, 14th Main, 22nd Cross, Near Aurobinda School, Banashankari II Stage, Bengaluru. By oversight, inadvertence and bonafide mistake, the date of birth of Petitioner's son by name Vihaan Manjunath. S/o Manjunatha N.C. and Smt.Bindu B.C. as on 24/3/2007 was not brought to the notice of the respondent. As such there is no entry in the concerned Birth Register maintained by the respondent. The petitioner knew this

fact when he went to take the Birth Certificate.. Hence, prayed to allow the petition.

3. After service of notice respondent has not appeared and placed ex parte.

4. The petitioner examined himself as PW.1 and got marked 5 documents at Ex.P1 to Ex.P5 and closed his side.

5. The points that arise for my consideration of the Court are:

1. Whether the petitioner has made out grounds to register date of birth of petitioner's son as 24/3/2007 in the register as maintained by respondent?

2. What order?

6. My findings on the above points are as follows:

Point No.1: In the Affirmative

Point No.2: As per final order

for the following:

::REASONS::

7. **Point No.1**: The petitioner in order to prove his case examined himself as PW.1 and got marked 5 documents at Ex.P1 to Ex.P5. P.W.1 in his evidence stated that petitioner's son has born on 24/3/2007 at Bengaluru. It is pleaded that when he has approached Birth Registrar for the purpose of getting Birth Certificate, but respondent has not registered date of birth in concerned Register. It is further contended that he has not informed the date of birth of petitioner due to un-awareness of the law. Ex.P.1 is the Non-Availability Certificate issued by the respondent wherein it is mentioned that date of birth of petitioner's son is not recorded in concerned Register. He has also produced notarised copies of Aadhaar Cards. Transfer Certificate and Provisional Marks Statement, which are marked at Ex.P2 to Ex.P5.

8. On perusal of the affidavit and the documents produced by the petitioner. It appears from the records that the petitioner has no malafide intention. Hence, it is just and necessary to direct the respondent to enter the date of birth of petitioner's son by name Vihaan Manjunath. S/o Manjunatha N.C. and Smt.Bindu B.C. as on 24/3/2007 in the Birth Register maintained by the respondent. Hence, this Court answered the above Point No.1 in the Affirmative.

9. **Point No.2:** In view of the above reasons given on Point No.1, this Court proceeds to pass the following:

ORDER

The petition filed by the petitioner U/s.13(3) of Birth and Death Registration Act, is allowed with no order as to costs.

The respondent is directed to enter the date of birth of the petitioner's son by name Vihaan Manjunath. S/o Manjunatha N.C. and Smt.Bindu B.C.

as on 24/3/2007 in the concerned Birth Register and issue Birth Certificate after collecting the late fee.

(Dictated to the Stenographer in on-line, transcript computerized by her revised, corrected and then pronounced in the open Court on this 22nd day of June 2023).

(Nitin Yeshawanth Rao),
XXXVI ACMM.,
Bengaluru.

:ANNEXURE:

1. List of Witnesses examined on behalf of the Petitioner:

PW1. : Manjunatha N.C.

2. List of Documents exhibited on behalf of Petitioner:

Ex.P1: Non Availability Certificate

Ex.P2 & 3: Notarised copies of Aadhar Cards

Ex.P4: Notarised copy of Transfer Certificate

Ex.P5: Notarised copy of Provisional Marks
Statement

3. List of Witness examined on behalf of Respondent:

-NIL-

4. List of Documents exhibited on behalf of Respondent:

-NIL-

(Nitin Yeshawanth Rao),
XXXVI ACMM.,
Bengaluru.