



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC  
AT KADUR**

**PRESENT: Smt. Amrin Sultana, B.A.L., L.L.B.,  
PRL. Civil Judge & JMFC  
Kadur.**

Dated this the 16<sup>th</sup> day of March 2026

**Crl. Misc. No.53/2026**

Sri.Ziyauulla Khan s/o Noorullakhan,  
Aged about 41 years, Business,  
R/o 31 acre, Kadur town,  
Kadur taluk,  
Chikkamagalur District,

**.....Petitioner**

(By Sri. ASS. Advocate)

***-Versus-***

The Register of Birth and Death,  
Represented by T.M.C., Kadur,  
Kadur Taluk.

**.....Respondent**

(Exparte)

**:: O R D E R ::**

The Petitioner has filed the petition Under Section 13(3)  
of Registration of Births and Deaths Act, 1969 prays for  
issuance of direction to the respondent to enter the birth



date of **Ziyaualla Khan S/o Noorullakhan** and issuance of his birth certificate.

2. It is the case of the petitioner that, the petitioner was born on 03.06.1984 at Kadur Town, Kadur Taluk. Further it is stated that, the petitioner's mother has orally intimated the date of birth to the respondent to enter the same in the register of birth, but the respondent failed to enter the birth date of **Ziyaualla Khan S/o Noorullakhan** to the concerned register. Further it is stated that, the petitioner has applied for her birth certificate before the respondent authority, the authority after verifying in the Register of birth for the year 1984, issued non availability certificate stating that, the birth date of **Ziyaualla Khan S/o Noorullakhan** has not been entered in the register of birth and death. Hence, this petition.

3. After registration of the petition in the Criminal Miscellaneous register, this court issued notice to respondent. In-spite of it, the respondent remain absent. No



one appeared before the court to oppose the petition filed by the petitioner.

4. In order to prove the case, the petitioner examined himself as PW-1 and got marked the documents at Ex. P-1 to Ex. P-3.

5. Heard arguments for the learned counsel for the petitioner.

6. Based on the above pleadings, the following points would arise for my consideration :-

- 1) *Whether it is necessary to issue direction to the respondent for issuance of birth certificate of **Ziyaualla Khan S/o Noorullakhan** dated: 03.06.1984?*
- 2) *Whether the petitioner is entitled for the relief as claimed ?*
- 3) *What order?*

7. My findings on the above points are as follows:-

Point No.1:- In the **Affirmative**

Point No.2:- In the **Affirmative**



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

**:: R E A S O N S ::**

8. **POINT No.1 and 2:-** Since these points are interconnected, they are taken up together to avoid repetition of facts.

According to petitioner, ***Ziyaualla Khan S/o Noorullakhan*** was born on 03.06.1984. Due to lack of knowledge, his mother has orally intimated the birth date of above said person to the concerned authorities, but did not made any effort to get it registered in the Birth register. In order to prove the same, the petitioner has examined himself as PW-1, and deposed that, he was born on 03.06.1984 and his parents was orally intimated his date of birth to the respondent authority within time. Further he deposed that, when he has applied for his birth certificate, the respondent authority after searching the register maintained in its office issued non availability certificate stating that, the date of



birth of **Ziyaualla Khan S/o Noorullakhan** has not been entered in the concerned register. Further deposed that, the birth certificate of petitioner is necessary to produce the same before the pass port authorities.

9. In support of her oral evidence, he has produced the non availability certificate issued by the respondent authority which is marked at Ex.P-1. This court carefully perused the same and noticed that, the birth date of **Ziyaualla Khan S/o Noorullakhan** has not been entered in the concerned register. Ex.P.2 is the notarized copy of Adhar card pertaining to the petitioner. Ex.P.3 is the Transfer certificate, on perusal of the same, the date of birth in the Ex.P.3 is mentioned as 03.06.1984.

10. Further important to note that, inspite of service of notice to the respondent, no one appeared before this court to oppose the petition filed by the petitioner. Further it is noticed that, the oral and documentary evidence remained



unchallenged and in such circumstances there is no ground to disbelieve the case of the petitioner.

11. It is noted that, as per Section 13 of the Registration of Births and Deaths Act, 1969, this court has empowered to pass necessary order for entering the date of birth or death which has not been registered within one year of its occurrence, only after verifying the correctness of the birth or death as the case may be, in payment of prescribed fee. It is well settled law that, provisions of Section 13 of the Act, governs a situation, where factum of birth or death has not been registered within one year. Even situations of nature where death or birth had taken place before the provisions of this act came into force. Application before magistrate should be entertained.

12. In the present case on hand, the petitioner seeking directions against the respondent to incorporate the date of birth in the register of birth maintained by the respondent. However on meticulous reading of petition, it



appears that, due to inadvertence and ignorance of the petitioner's parents, they did not intimated the birth date of petitioner by name **Ziyaualla Khan S/o Noorullakhan** to the respondent office within statutory period as contemplated Under Section 13 of the Act. Under such circumstances, if direction is given to the respondent authority as prayed in the petition, no harm or prejudice would caused to the respondent, otherwise the petitioner will be put hardship. Hence, the petitioner is entitled for the relief claimed. With these observations this court answered point Nos.1 and 2 in the Affirmative.

13. **POINT No.3:-** As per the above discussion on point No.1 and 2, this court proceed to pass the following:-

**:: O R D E R ::**

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

Consequently, the respondent is hereby directed to register the date



of birth of **Ziyaualla Khan S/o Noorullakhan** as 03.06.1984 in the birth register and issue birth certificate to the petitioner.

The petitioner shall pay necessary fee for the same.

[Dictated to the Stenographer on computer, corrected and then pronounced by me in the Open Court on this day 16<sup>th</sup> day of March 2026.]

**(SMT. AMRIN SULTANA)**  
PRL. CIVIL JUDGE & JMFC.,  
KADURU.

#### **APPENDIX**

#### **List of witnesses examined on behalf of the Petitioners :-**

PW.1 : Ziyaualla khan

#### **List of witnesses examined on behalf of the Respondent:-**

- Nil -

#### **List of documents marked on behalf of the Petitioners :-**

Ex.P-1 : Non-availability certificate

Ex.P-2 : Notarized copy of Adhar card pertaining to the petitioner

Ex.P-3 : Notarized copy Transfer certificate.



**List of documents marked on behalf of the Respondent :-**

**- Nil -**

**PRL. CIVIL JUDGE & JMFC.,  
KADURU.**

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