

KACM210010342026



IN THE COURT OF THE III ADDL. CIVIL JUDGE & JMFC
AT KADUR

PRESENT: Sri. THAHAKALEEL K.A., B.A., LL.B.,
II Addl. Civil Judge & JMFC, Kadur
C/c III Addl. Civil Judge & JMFC, Kadur.

Dated this the 6th day of March 2026

CrI.Misc.No.160/2026

Smitha T.N.
D/o Ningappa T.E,
Smt. Shanthamma V.B.,
Aged about 34 years,
Private Employee,
R/o Ward No.19, Anchera street,
Ashoka Nagara, Birur Town,
Kadur Taluk, Chikkamagaluru District.

.....Petitioner

(By Sri. H.N. Sunil Kumar., Advocate)

-Versus-

The Registrar of Birth and Deaths,
Municipality, Birur Town, Kadur Taluk,
Municipal Office, Kadur Taluk,
Chikkamagaluru District.

.....Respondent

(Exparte)

KACM210010342026



:: O R D E R ::

The Petitioner has filed the petition Under Section 13(3) R/w Rule 10(3) of Registration of Births and Deaths Act, 1969 prays for issuance of direction to the respondent to enter the birth date of Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B. and issuance of birth certificate of her.

2. It is the case of the petitioner that, the petitioner was born on 29.07.1992 at Ward No.19, Anchera street, Ashoka Nagara, Birur Town, Kadur Taluk, Chikkamagaluru District. Further it is stated that, the petitioner has orally inform the birth date of Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B., to the concerned authorities. Further it is stated that, the petitioner has applied for birth certificate of his before the respondent authority, the authority after verifying in the Register of birth for the year 1953, issued non availability certificate stating that, the birth date of Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B. has

KACM210010342026



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 herself 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:-

KACM210010342026



- 1) *Whether it is necessary to issue direction to the respondent for issuance of birth certificate of Smitha T.N. D/o Ningappa T.E. and Smt. Shanthamma V.B. dated: 29.07.1992?*
- 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:-

:: REASONS ::

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

According to petitioner, Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B. was born on 29.07.1992. Due to

KACM210010342026



ignorance, her parents was not intimated the birth date of above said person to the concerned authorities. In order to prove the same, the petitioner is examined herself as PW-1, she deposed that, she was born on 29.07.1992 and her parents did not intimated the birth of her to the respondent authority within time. Further she deposed that, when she has applied for birth certificate, the respondent authority after searching the register maintained in its office and issued non availability certificate stating that, the date of birth of Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B. has not been entered in the concerned register. Further deposed that, the birth certificate of petitioner is necessary to produce the same before the Passport authority and other concerned Government Office.

9. In support of her oral evidence, she has produced the non availability certificate issued by the respondent authority which is marked at Ex.P-1. This court carefully

KACM210010342026



perused the same and noticed that, the birth date of Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B. has not been entered in the concerned register.

10. Further important 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,

KACM210010342026



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, he did not intimate the birth date of petitioner by name Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B. 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 be caused to the respondent, otherwise the petitioner will

KACM210010342026



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:- In view of the above reasons and discussed, 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 Smitha T.N. D/o Ningappa T.E. and Shanthamma V.B. as 29.07.1992 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 6th day of March 2026]

(THAHAKALEEL K.A)
C/c III ADDL. CIVIL JUDGE & JMFC.,
KADURU.

KACM210010342026



APPENDIX

List of witnesses examined on behalf of the Petitioners :-

PW.1 : Smitha T.N.

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 S.S.L.C. marks card

Ex.P-3 : Notarized copy of Aadhar Card.

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

**C/c III ADDL. CIVIL JUDGE & JMFC.,
KADURU.**

Visit ecourts.gov.in for updates or download mobile app "eCourts Services" from Android or iOS