

KACM210010512026



**IN THE COURT OF THE I ADDL. CIVIL JUDGE
AND J.M.F.C., KADUR**

Dated this the 1st day of June 2026

P R E S E N T

**SRI. MANJUNATHA CHARI D.K., B.A., L.L.B.,
I ADDL. CIVIL JUDGE AND JMFC,
KADUR.**

Crl.Mis No.212/2026

Petitioner: **Smt. Netrabai W/o Annappanayak,**
Aged about 49 years,
R/at M. Kodihalli, Singatagere (H),
Kadur Taluk,
Chickmagalur District.

(Rep. by Sri. Vijaya K.K., Advocate)

V/s

Respondent: The Registrar Birth and death,
The Tahasildhar Kadur Town & Taluk.

(EX-PARTE)

**ORDERS ON PETITION FILED UNDER SECTION 13(3) OF
KARNATAKA REGISTRATION OF BIRTH AND DEATH'S
ACT, 1969.**

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

2. The brief facts of the petitioner's case are that:-

The petitioner by name Smt. Netrabai W/o Annappanayak was born on 01.01.1977 at M. Kodihalli, Singatagere (H), Kadur Taluk, Chickmagalur District. The date of birth of petitioner was not entered in the register of birth maintained by the respondent, whereas petitioner's date of birth is correctly entered in her family records. Therefore the petitioner applied for issue the birth certificate of herself before the respondent. The respondent has issued an endorsement of non-availability certificate dated 13.03.2026. Hence, the petitioner has constrained to file this petition.

3. On service of notice the respondent has not appeared before the court and not filed any objections.

4. The petitioner herself has been examined as P.W.1 and got marked 3 documents as Ex.P.1 to 3.

5. Heard the arguments and perused the petition averments and documents available on record.

6. The following points arise for my consideration:-

- 1) Whether the petitioner by name Smt. Netrabai W/o Annappanayak proves that, she was born on 01.01.1977 at M. Kodihalli, Singatagere (H), Kadur Taluk, Chickmagalur District ?
- 2) What order?

7. My answer to the above points are as under:-

Point No.1 : In the Affirmative

Point No.2 : As per final order
for the following:-

REASONS

8. **Point No.1:-** It is the case of the petitioner by name Smt. Netrabai W/o Annappanayak was born on 01.01.1977 at M. Kodihalli, Singatagere (H), Kadur Taluk, Chickmagalur District. The date of birth of petitioner was not entered in the register of birth maintained by the respondent, whereas her date of birth is correctly entered in her family records. Therefore, the petitioner had approached the respondent and applied the birth certificate of her, but the respondent has issued non-availability certificate stating that the birth of the petitioner is not entered in the register of Birth and Death maintained by them.

9. The petitioner herself has examined as P.W.1 and documents are marked as Ex.P.1 to 3. Ex. P.1 is the non-availability certificate issued by the respondent. As per this certificate there is no entry of the birth of petitioner. As per this non availability certificate it is mentioned that the petitioner by name Smt. Netrabai W/o Annappanayak was born on 01.01.1977 at M. Kodihalli, Singatagere (H), Kadur Taluk, Chickmagalur District. Smt. Netrabai W/o Annappanayak was born on 01.01.1977 at M. Kodihalli, Singatagere (H), Kadur Taluk, Chickmagalur District. In order to prove her contention petitioner has produced Ex.P.2 is the

Notarized Voter Identity Card of the Petitioner, Ex.P.3 is the Notarized Aadhar Card of the Petitioner. It is disclosed that date of the birth of petitioner is 01.01.1977. It is sufficient to believe that the petitioner was born on 01.01.1977. In this case nothing is creating any doubt as to disbelieve the oral evidence of P.W.1.

10. At this stage it is relevant to refer Sec.13(3) of Karnataka Registration of Birth and Death's Act, 1969 which reads as under:-

13(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

As per Sec.13(3) of the said Act, even the birth or death shall not be entered in the register which has been reported after one year of the even without order of the Magistrate of the First Class or Presidency Magistrate. In this case, the petitioner herself has been examined as P.W.1 and she has produced Non-availability certificate issued by the respondent as per Ex.P.1. The evidence of the P.W.1 is believable and also there are no reasons at all to disbelieve the evidence of P.W.1. Therefore, considering the oral and documentary evidence on record in my considered opinion the petitioner is proved the factum of birth and petitioner by name Smt. Netrabai W/o

Annappanayak was born on 01.01.1977 at M. Kodihalli, Singatagere (H), Kadur Taluk, Chickmagalur District. The said date of birth was not registered in the office of respondent. Therefore, I answer the point No.1 in the Affirmative.

11. Point No.2:- In view of answering point No.1, I proceed to pass the following:-

O R D E R

The petition filed by the petitioner under Sec.13(3) of Karnataka Registration of Birth and Death's Act, 1969 is hereby allowed.

The respondent is hereby directed to enter the date of birth of the petitioner by name Smt. Netrabai W/o Annappanayak was born on 01.01.1977 at M. Kodihalli, Singatagere (H), Kadur Taluk, Chickmagalur District in the concerned register on the receipt of prescribed fees.

(Dictated to the Typist directly on computer, corrected, signed and then pronounced by me in the open court on this the 1st day of June 2026)

(MANJUNATHA CHARI D.K.)

I Addl. Civil Judge and JMFC,
Kadur.

ANNEXURE

1. List of witnesses examined for the petitioner:
P.W.1 : Smt. Netrabai
2. List of documents exhibited for the petitioner:
Ex.P.1 : Non availability certificate
Ex.P.2 : Notarized Voter Identity Card
Ex.P.3 : Notarized Aadhar Card
3. List of witnesses examined and documents exhibited for the respondent:- NIL

Sd/-

(MANJUNATHA CHARI D.K.)

I Addl. Civil Judge and JMFC,
Kadur.