

KACM210015432026



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

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

Dated this the 09th day of June 2026

Crl.Misc.No.240/2026

Petitioner

Mallikarjun C.S,
S/o. C.M. Shivaprabhu,
Aged about 29 years,
R/o. Doddabukkasagara Village,
Birur Hobli, Kadur Taluk,
Chikkamagaluru District.
(By Sri. H.N.Ramaswamy., Advocate)

- ***-Versus-***

Respondent

The Tahsildhar
Birth and Death Registrar, Kadur.
(***-Exparte-***)

:: 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 praying for issuance of direction to the respondent to enter the birth date of Mallikarjun C.S, S/o. Shivaprabhu C.M and issuance of birth certificate to him.

2. It is the case of the petitioner that, the petitioner was born on 18-04-1997 at Doddabukkasagara Village, Birur Hobli, Kadur Taluk, Chikkamagalur District. Further it is stated that, the parents has no knowledge to inform the birth date of Mallikarjun C.S, S/o. Shivaprabhu C.M ., 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, issued non availability certificate stating that, the birth date of Mallikarjun C.S, S/o. Shivaprabhu C.M 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 Mallikarjun C.S, S/o. Shivaprabhu C.M dated:18.04.1997?*
- 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 Mallikarjun C.S, S/o. Shivaprabhu C.M was born on 18.04.1997. Due to lack of knowledge, his 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 himself as PW-1, he deposed that, he was born on 18.04.1997. and his parents did not intimated the birth of his to the respondent authority within time. Further he deposed that, when he 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 Mallikarjun C.S, S/o. Shivaprabhu C.M has not been entered in the concerned register. Further deposed that, the birth certificate of petitioner is necessary to produce before the T.M.C.



9. In support of his 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 Mallikarjun C.S, S/o. Shivaprabhu C.M 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, 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 Mallikarjun C.S, S/o. Shivaprabhu C.M 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**:- 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 Mallikarjun C.S, S/o. Shivaprabhu C.M as 18.04.1997 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 09th day of June 2026.]

(THAHAKALEEL K.A)
III ADDL. CIVIL JUDGE & JMFC.,
KADUR.

APPENDIX

List of witnesses examined on behalf of the Petitioners :-

PW.1 : Mallikarjuna C.S



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 of S.S.L.C
Marks Card of the petitioner.
- Ex.P-3 : Notarized copy of Aadhar Card of the
petitioner.

List of documents marked on behalf of the Respondent :-

- Nil -

**III ADDL. CIVIL JUDGE & JMFC.,
KADUR..**

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