



**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC.,
MUDIGERE**

PRESENT: Smt. Suraksha K.K. B.B.M., LL.B.,
I Addl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 06th DAY OF MARCH 2026

Crl.Misc.No.24/2026

BETWEEN :

Jaikumar Mathais,
Aged about 45 years,
S/o late M.Francis,
R/o Shaloom Cottage,
Near St.Mari's School,
Undedasarahalli Extension,
Chikkamagaluru Town.

Represented by special
power of attorney his
mother by name Smt.Elizabeth Mathais,
Aged about 68 years,
W/o late M.Francis,
R/o Lobo Cottage,
Near Vidyabharathi High School,
Gowrikaluve Extension,
Chikkamagaluru.

....Petitioner

(By Sri.C.K.Jagadish, Adv.,)

AND :

The Registrar of Birth & Death,
Town Panchayath, Mudigere.

....Respondent

(Absent)

ORDERS ON MAIN PETITION

This petition is filed by the petitioner under Section 13(3) of
Registration of Birth and Death Act, 1969, seeking directions to the



respondent authority to enter the date of birth of the petitioner by name Jaikumar Mathais S/o late M.Francis who was born on 20.02.1980 at MGM government Hospital, Mudigere Town in the concerned register maintained by its office.

2) After registration of the above petition, notice was issued to the respondent. In-spite of due service of the notice, the respondent has not appeared before this Court and remains absent.

3) The points that arise for consideration by this Court are as follows:

1. Whether the petitioner has made out grounds for issuance of directions as sought in the petition?

2. What order?

4) In support of his case, the special power of attorney, the mother of petitioner got examined herself as PW1 and got marked documents at Ex.P1 to 7 and closed her side. Since the respondent remained absent the cross examination of PW1 is taken as nil. No evidence is adduced on behalf of the Respondent.

5) Heard the petitioner's counsel, and on perusal of oral and documentary evidence produced before this court. This Court answer the above points are as follows:

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

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



REASONS

6) Point No.1: In order to prove his case, the special power of attorney, the mother of petitioner got examined herself as PW1 by filing her affidavit in lieu of examination-in-chief, wherein she has reiterated the petition averments. She has also adduced the documentary evidence and got marked the same as Ex.P1 to 7.

7) The natural guardian mother of petitioner has contended that her son was born on 20.02.1980 at MGM government Hospital, Mudigere Town. But, due to oversight, mistake and inadvertence, his date of birth is not registered in the concerned register of the respondent authority and now the birth certificate of her son is required for the purpose of obtain government job and for registration of properties. She has further contended that, when she had approached the respondent authority, they have issued a non-availability certificate, stating that the date of birth of the said Jaikumar Mathais S/o late M.Francis is not registered. The said non-availability certificate issued by respondent is marked at Ex.P1.

8) The special power of attorney holder of petitioner mother got marked documents at Ex.P4, 5 and 6 which are the notarized copies of transfer certificate, Aadhaar card and election identity card of the petitioner and the same depicts that the date of birth of petitioner is 20.02.1980. Further, petitioner has also produced Ex.P2, 3 and 7 which are the notarized copies of authorization signature, special power of attorney and Aadhaar card of mother of petitioner. On the other hand, there is nothing on record to disbelieve the version of the petitioner



9) In the present case the respondent has remained absent. Hence, the case of the petitioner remains unchallenged by the respondent. Further, the petitioner has established his case, on the other hand nothing is placed on record by the Respondent as to disbelieve the version of the petitioner. Therefore, keeping in view the circumstances of the case, the petition deserves to be allowed. Accordingly, this Court answers point No.1 in the '**Affirmative**'.

10) Point No.2: In view of the above findings on point No.1, this Court proceed to pass the following;

ORDER

The petition filed by the petitioner U/sec.13(3) of the Registration of Birth and Death Act, 1969 is hereby allowed.

The respondent is hereby directed to enter the date of Birth of the Petitioner namely Jaikumar Mathais S/o late M.Francis, as born on 20.02.1980 at MGM government Hospital, Mudigere Town in the concerned register and accordingly issue birth certificate on deposit of requisite fee, if any.

*(Dictated to the Stenographer, directly typed by him on computer, corrected and then pronounced by me in the open court on **06th day of MARCH 2026, at Mudigere**)*

(Suraksha.K.K)
I Addl. Civil Judge & JMFC.,
Mudigere.



: ANNEXURE :

LIST OF WITNESS EXAMINED ON BEHALF OF PETITIONER:-

PW1 : Elizabeth Mathais

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-

Ex.P1 : Non availability certificate

Ex.P2 : Notarized copy of authorization of signature

Ex.P3 : Notarized copy of special power of attorney

Ex.P4 : Notarized copy of transfer certificate

Ex.P5 : Notarized copy of Aadhaar card of petitioner

Ex.P6 : Notarized copy of election identity card

Ex.P7 : Notarized copy of Aadhaar card of mother of petitioner

LIST OF WITNESS EXAMINED ON BEHALF OF RESPONDENT:-

NIL

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT:-

NIL

(Suraksha.K.K)

I Addl. Civil Judge & JMFC.,
Mudigere.

VP

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