



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

PRESENT: Smt. Suraksha K.K. B.B.M., LL.B.,
C/C Prl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 07th DAY OF MARCH 2026

Crl.Misc.No.43/2026

BETWEEN :

M.J.Gayathri Devi,
Aged about 44 years,
W/o Praveen,
R/o 1-168 Kilpady Road, Mulki,
Mangalore, Mangalore Taluk.

....Petitioner

(By Smt. G.B.Parvathi, Adv.,)

AND :

The Tahasildar,
Mudigere Taluk,
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 M.J.Gayathri Devi D/o Jaya M.B. who was born on 28.05.1981 at Bilagula Village, Hesgal Post, Kasaba Hoblil, Mudigere Taluk 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 her case, the petitioner got examined herself as PW1 and got marked documents at Ex.P1 to 3 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 her case, the 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 3.

7) The petitioner has contended that she was born on 28.05.1981 at Bilagula Village, Hesgal Post, Kasaba Hoblil, Mudigere Taluk. But, due to oversight, mistake and inadvertence, her date of birth is not registered in the concerned register of the respondent authority and now the birth certificate of the petitioner is required for the purpose of obtain pass port. 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 M.J.Gayathri Devi D/o Jaya M.B. is not registered. The said non-availability certificate issued by respondent is marked at Ex.P1.

8) The petitioner further got marked documents at Ex.P2 and 3 which are the notarized copies of Aadhaar card and SSLC marks card. The same documents goes to show that her date of birth is 28.05.1981. 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 her 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 M.J.Gayathri Devi D/o Jaya M.B., as born on 28.05.1981 at Bilagula Village, Hesgal Post, Kasaba Hoblil, Mudigere Taluk 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 **07th day of MARCH 2026, at Mudigere**)

(Suraksha K.K.)
C/C Prl. Civil Judge & JMFC.,
Mudigere.

: A N N E X U R E :

LIST OF WITNESS EXAMINED ON BEHALF OF PETITIONER:-

PW1 : M.J.Gayathri Devi

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-

Ex.P1 : Non availability certificate



Ex.P2 : Notarized copy of Aadhaar card

Ex.P3 : Notarized copy of SSLC marks card

LIST OF WITNESS EXAMINED ON BEHALF OF RESPONDENT:-

NIL

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT:-

NIL

(Suraksha K.K.)
C/C Prl. Civil Judge & JMFC.,
Mudigere.

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