



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 06th DAY OF MARCH 2026

Crl.Misc.No.55/2026

BETWEEN :

Mohammed Ariz,
Aged about 60 years,
S/o Altaf Hussain,
R/o P/64, Ward No.11, Behind Bus Stand,
Kuvempu Nagara, Mudigere Taluk.Petitioner

(By Smt.K.S.Arptha, Adv.,)

AND :

The Registrar of Births & Deaths,
Chief Officer, 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 Mohammed Ariz S/o Altaf Hussain who was born on 03.12.1966 at #P/64, Ward No.11, Behind Bus Stand, Kuvempu Nagara, Mudigere Town, Post and 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 sufficient grounds for issuance of directions as sought for in the petition?

2. What order?

4) In support of his case, the petitioner got examined himself as PW1 and got marked documents at Ex.P1 to 5 and closed his side. Since the respondent has 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 petitioner got examined himself as PW1 by filing his affidavit in lieu of



examination-in-chief, wherein he has reiterated the petition averments. He has also adduced the documentary evidence and got marked the same as Ex.P1 to 5.

7) The petitioner has contended that he was born on 03.12.1966 at #P/64, Ward No.11, Behind Bus Stand, Kuvempu Nagara, Mudigere Town, Post and Taluk. 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 is required for the purpose of Visa and Immigration purposes. He has further contended that, when he had approached the respondent authority, they have issued a non-availability certificate, stating that the date of birth of the said Mohammed Ariz S/o Altaf Hussain 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 to 5 are notarized copies of pass-port, Aadhar card, Voter ID card and PAN card. These documents goes to show that his date of birth is 03.12.1966. 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 undisputed 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 Mohammed Ariz S/o Altaf Hussain, as born on 03.12.1966 at #P/64, Ward No.11, Behind Bus Stand, Kuvempu Nagara, Mudigere Town, Post and 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 **06th 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 : Mohammed Ariz

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-

Ex.P1 : Non availability certificate



- Ex.P2 : Notarized copy of pass-port
Ex.P3 : Notarized copy of Aadhaar card
Ex.P4 : Notarized copy of Voter ID card
Ex.P5 : Notarized copy of PAN card

LIST OF WITNESS EXAMINED ON BEHALF OF RESPONDENT:-

NIL

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT:-

NIL

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