



**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 15<sup>th</sup> DAY OF APRIL 2026**

**Crl.Misc.No.165/2026**

**BETWEEN :**

Smt.Janaki.B.M,  
Aged about 63 years,  
D/o B.Mari Shetty,  
R/o Kadlemakki,  
Balennonuru, N.R. Pura,  
Chikkamagaluru-577 112.

....Petitioner

**(By Sri.M.S.Gopala Gowda, Adv.,)**

**AND :**

The Chief Officer,  
The Registrar of Birth & Deaths,  
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 Janaki.B.M D/o B.Mari Shetty who was born on 29.01.1963 at Chatramaidana, Mudigere 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 29.01.1963 at Chatramaidana, Mudigere. 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 Aadhaar card and other records. 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 Janaki.B.M D/o B.Mari Shetty is not registered. The said non-availability certificate issued by respondent is marked at Ex.P1.

**8)** The petitioner further got marked document at Ex.P2 which is the notarized copy of school admission extract. The same document goes to show that her date of birth is 29.01.1963. Further, the petitioner has also produced Ex.P3 notarized copy of Aadhaar card. 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 Janaki.B.M D/o B.Mari Shetty, as born on 29.01.1963 at Chatramaidana, Mudigere 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 **15<sup>th</sup> day of APRIL 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 : Janaki.B.M



**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-**

- Ex.P1 : Non availability certificate  
Ex.P2 : Notarized copy of school admission extract  
Ex.P3 : Notarized copy of Aadhaar 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.**

VP

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