



**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 02nd DAY OF APRIL 2026

Crl.Misc.No.127/2026

BETWEEN :

Eliyaz Hussan,
Aged about 48 years,
S/o Anwar Hussan,
R/o Gonibeedu Village & Post,
Mudigere Taluk.

....Petitioner

(By Sri.Siddaiah.D, Adv,)

AND :

The Tahsildar,
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 Eliyaz Hussan S/o Anwar Hussan who was born on 05.06.1977 at Gonibeedu Village and Hobli, 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 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 3 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 3.

7) The petitioner has contended that he was born on 05.06.1977 at Gonibeedu Village and Hobli, Mudigere 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 bonafide purpose. 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 Eliyaz Hussan S/o Anwar Hussan 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.P3 which is the notarized copy of transfer certificate. The said document goes to shows that the petitioner's date of birth is 05.06.1977. Ex.P2 is the 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 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 Eliyaz Hussan S/o Anwar Hussan, as born on 05.06.1977 at Gonibeedu Village and Hobli, 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 **02nd day of APRIL 2026, at Mudigere**)

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

: A N N E X U R E :

LIST OF WITNESS EXAMINED ON BEHALF OF PETITIONER:-

PW1 : Eliyaz Hussan

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 transfer certificate

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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