

KABC030239892023



IN THE COURT OF THE XIX ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.

PRESENT:SRI.FAROOQ ZARE.

B.A(Law)LL.B.L.L.M.

XIX ADDL.C.M.M.,BENGALURU.

DATED THIS THE 7th DAY OF AUGUST 2023

CRIMINAL MISCELLANEOUS NO.3545 of 2023

Petitioner :- Afiya Fathima
Minor Represented by her father
Abdul Kalam
S/o Ansar Pasha,
Aged about 34 years,
R/at No.28, 2nd Floor,
Sufiya Manzil, D Cross,
Madarsab Layout,
New Gurappanapalay,
Bengaluru-560029.

(By Smt.Saraswathi Advocate)

-V/s-

Respondent :- The Commissioner of B.B.M.P.,
Registrar of Births & Deaths,
Bangaluru.

(Exparte)

ORDER

1. The father of minor petitioner has filed this petition under Section 13(3) of Karnataka Registration of Birth and Death Act 1969 for entering minor petitioner's date of birth in the register maintained by the office of the respondent.

2. In the petition it is stated that, the minor petitioner by name **Afiya Fathima** was born on **29.02.2016** in Bengaluru. The birth event of her was not entered in the register maintained by the respondent in their office. She needs birth certificate for bonafide use. It is stated that her father submitted an application to respondent for issuing birth certificate for which respondent issued a non-availability certificate.

For the reasons stated supra petitioner prays to allow the petition.

3. The notice was issued to the respondent and same was duly served but respondent remained absent before the court and placed exparte. Thereafter the case was posted for evidence. The minor petitioner is represented by her father has got examined himself as PW1 and in his oral evidence has reiterated petition averments and got marked Ex.P1 to Ex.P4.

4. Heard the arguments and perused the records.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is
deserved to be allowed ?

Point No.2: What order?

6. My findings to the above points are as here under;

Point No.1: In the Affirmative.

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

R E A S O N S

7. **Point No.1:-** The minor petitioner's father has stated that, his daughter's viz., Afiya Fathima was born on 29.02.2016. He approached the respondent for availing the birth certificate but respondent gave an endorsement that the event of birth of his daughter is not entered in the register and issued non-availability certificate at Ex.P1. Since the respondent placed exparte, the averments of the petition, evidence of PW1 and documentary evidence at Ex.P1 to Ex.P4 are remained unchallenged. **Ex.P2** notarized copy of Study Certificate discloses that the date of birth of minor petitioner is **29.02.2016** and there are no grounds to disbelieve the case of the petitioner. The very object of

the Karnataka Registration of Birth and Death Act 1969 is to enter the registration of births and deaths in the concerned register. Therefore, the **point No.1** is answered in the **Affirmative**.

8. **Point No. 2**: In view of my findings to the point No.1, I proceed to pass the following;

O R D E R

The petition is **allowed**.

The respondent is hereby directed to enter the date of birth of minor petitioner by name **Afiya Fathima D/o Abdul Kalam** and **Smt.Salma**, as she was born on **29.02.2016**, in the concerned register and issue birth certificate accordingly on collecting necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected by me and then pronounced in the Open Court on 7th August 2023.)

(Farooq Zare)
XIX A.C.M.M., BENGALURU.

:: A N N E X U R E ::

I. List of witnesses examined by petitioner:-

PW.1 :- Abdul Kalam.

II. List of exhibits marked by petitioner:-

Ex.P1 :- Non-availability certificate.

Ex.P2 Notarized copy of Study Certificate.

Ex.P3 & Ex.P4 :- Notarized copies of Aadhar Cards.

III. List of witnesses examined by respondent:- -NIL-

IV. List of exhibits marked by respondent:- - NIL-

(Farooq Zare)
XIX A.C.M.M., BENGALURU.