



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 08th DAY OF JULY 2026

Crl.Misc.No.221/2026

BETWEEN :

B.S.Bharathi,
Aged about 59 years,
D/o B.H.Shivegowda,
W/o H.T. Sundregowda,
R/o Haluvally Village,
Malaluru Post 577 133,
Chikkamagaluru Taluk and District.Petitioner

(By Sri.Dharanappa T.R., Adv.,)

AND :

Registrar of Births and Deaths,
Represented by the Tahsildar,
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 B.S. Bharathi D/o B.H.Shivegowda who was born on 28.06.1966 at Bommenahalli Village, 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 28.06.1966 at Bommenahalli Village, 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 produce before concerned authority. 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 B.S. Bharathi D/o B.H.Shivegowda 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 is transfer certificate. The same goes to show that her date of birth is 28.06.1966. Further 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 B.S. Bharathi D/o B.H.Shivegowda, as born on 28.06.1966 at Bommenahalli Village, 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 **08th day of JULY 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 : B.S.Bharathi



LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-

Ex.P1 : Non availability certificate
Ex.P2 : Transfer certificate
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.)
I Addl. Civil Judge & JMFC.,
Mudigere.