

KACM710001562026



**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE
AND J.M.F.C., AT TARIKERE**

Present: Smt.Urmila.V. B.A.L., LL.B.,
I Addl. Civil Judge & JMFC, Tarikere.

Dated: 20th Day of June 2026

CRIMINAL MISC.NO.50/2026

PETITIONER/s :

Mohammed Khalander S/o
Mohammed Hayath, aged 42 years,
R/o #2273, Maruthi Extension, 1st
Cross, Kodi Camp, VTC, Tarikere.

(Reptd. By Sri Abdul Razak, Advocate)

Vs.

RESPONDENT/s :

- 1) The Health Inspector, T.M.C., Tarikere.
- 2) The Chief officer, T.M.C., Tarikere.

(Respondents – Absent)

: O R D E R :

This is the criminal miscellaneous petition filed by the petitioner u/s 13(3) of Registration of Births and Deaths Act, 1969 praying to issue directions to the respondents to enter his date of birth in the concerned Birth and Deaths Register.

2. It is the case of the petitioner that, he was born on 08.01.1984 at Tarikere Town, Kasaba Hobli, Tarikere Taluk. When he approached the respondents seeking to

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issue the birth certificate of himself i.e., Mohammed Khalander S/o Mohammed Hayath, the respondents have issued an endorsement dated 27.01.2026 regarding non-availability of the birth entry. His parents have not intimated his date of birth to the respondents well in time. The birth certificate is required for him to get passport. Hence, this petition.

3. In response to the service of the notice, the respondents did not appear before the court and remained absent.

4. In order to prove his case, the petitioner got himself examined as PW.1 and got marked 3 documents as Ex.P.1 to 3.

5. I have heard arguments of learned counsel for the petitioner and perused the materials on record.

6. The points that arise for my consideration are as follows :

1. Whether the petitioner has made out sufficient grounds to allow the petition?

2. What Order?

7. My findings to the above points are as under :

Point No.1 : In the Affirmative,

Point No.2 : As per final Order,

for the following :



:: R E A S O N S ::

8. **POINT NO.1** : The petitioner has filed this petition against the respondents seeking to issue directions to the respondents to enter his date of birth in the Birth and Deaths Register. The PW.1 in his chief examination affidavit, he has reiterated the averments of the petition. Ex.P.1 is the non-availability certificate issued by the respondent No.1 on 27.01.2026. It shows that the birth particulars of the petitioner is not entered in birth register. Ex.P.2 is the notarized copy of transfer certificate issued by Head Master, Government Urdu Higher Primary School, Tarikere. Ex.P.3 is the notarized copy of Adhaar card of the petitioner. Ex.P.2 and 3 discloses the date of birth of petitioner as 08.01.1984. On perusal of the Ex.P.1 to 3, it clearly supports the version of the petitioner.

9. Under Section 13 of the Registration of Births and Deaths Act 1969, the Magistrate of the First Class has power to make an order to the concerned authority established under the statute to make necessary entries pertaining to the death or birth of any person whose birth or death has not been registered within one year of its occurrence.

10. The above materials on record have supported the claim of the petitioner. There is no contra materials from

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the side of the respondents. Therefore, I am of the opinion that the instant petition filed by the petitioner is deserves to be allowed. Hence, Point No.1 is answered in the Affirmative.

11. **POINT NO.2 :** In the light of the above discussion, I proceed to pass the following:

:: ORDER ::

The criminal miscellaneous petition filed by the petitioner u/s 13(3) Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent No.2 is hereby directed to register the birth particulars of “**Mohammed Khalander S/o Mohammed Hayath**” as **08.01.1984** at Tarikere Town, Kasaba Hobli, Tarikere Taluk, in the concerned birth register. Further the respondent No.2 is hereby directed to issue birth certificate to the petitioner by collecting fee if any, as per rules.

No order as to costs.

(Dictated to the Stenographer on computer, typed by her, corrected by me and then pronounced in the open Court, on this the 20th day of June 2026)

sd/-
(**URMILA.V**)
I ADDL. CIVIL JUDGE
AND J.M.F.C, TARIKERE.

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**:: A N N E X U R E ::****List of witnesses examined for the petitioner :**

PW.1 : Mohammed Khalander

List of documents marked for the petitioner :

Ex.P.1 : Non-availability Certificate

Ex.P.2 : Notarized copy of transfer certificate

Ex.P.3 : Notarized copy of Adhaar card

List of witnesses examined for the respondents :

- Nil -

List of documents marked for the respondents :

- Nil -

sd/-

**I ADDL. CIVIL JUDGE
AND J.M.F.C, TARIKERE.**