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**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: 18th Day of June 2026

CRIMINAL MISC.NO.104/2026

PETITIONER/s :

Nancy Nirmala Suares D/o
F.A.Suares, aged 51 years, R/o C/o
Keshavamurthy, Balehalli Road,
Opposite Mountain View College, Vidya
Nagara, Chikkamagaluru Town,
Chikkamagaluru District.

(Reptd. By Sri K.S.Harsha, Advocate)

Vs.

RESPONDENT/s :

- 1) The Tahasildar, Tarikere Taluk,
Tarikere.
- 2) The Village Accountant, Lingadahalli
Circle, Lingadahalli Hobli, Tarikere
Taluk.

(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 her date of birth in the concerned Birth and Deaths Register.

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2. It is the case of the petitioner that, she was born on 20.07.1975 at Gonagilakatte Village, Lingadahalli Hobli, Tarikere Taluk. But, in her Aadhar card, her date of birth is wrongly mentioned as 28.03.1975 instead of 20.07.1975 and her name also wrongly mentioned as Nirmala instead of Nancy Nirmala Soares. When she approached the respondents seeking to issue the birth certificate of herself i.e., Nancy Nirmala Soares D/o F.A.Suares, the respondents have issued an endorsement dated 12.02.2026 regarding non-availability of the birth entry. Her parents have not intimated her date of birth to the respondents due to lack of knowledge. The birth certificate is required for rectification of date of birth in aadhar card and other future purpose. 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 her case, the petitioner got herself 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 :

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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 her date of birth in the Birth and Deaths Register. The PW.1 in her chief examination affidavit, she has reiterated the averments of the petition. Ex.P.1 is the non-availability certificate issued by the respondent No.1 on 12.02.2026. It shows that the birth particulars of the petitioner is not entered in birth register. Ex.P.2 is the school admission/study certificate issued by Head Master, Government Higher Primary School, Gonagilakatte (Krishnapura), Tarikere Taluk. Ex.P.3 is the notarized copy of Adhaar card of the petitioner. On perusal of Ex.P.2, it discloses the date of birth of petitioner as 20.07.1975. On perusal of the Ex.P.1 to 3, it clearly supports the version of the petitioner.

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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 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.1 is hereby directed to register the birth particulars of “**Nancy Nirmala Suares D/o F.A.Suares**” as **20.07.1975** at Gonagilakatte Village, Lingadahalli Hobli, Tarikere Taluk, in the concerned birth register. Further the respondent No.1 is hereby directed to issue birth

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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 18th day of June 2026)

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

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

List of witnesses examined for the petitioner :

PW.1 : Nancy Nirmala Suares

List of documents marked for the petitioner :

Ex.P.1 : Non-availability Certificate
Ex.P.2 : School admission/study 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.