

**IN THE COURT OF XLI ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE, AT : BENGALURU**

PRESENT: SMT. TATTANDA DAMAYANTI SOMAYYA

B.A., LL.B.,

Additional Chief Metropolitan Magistrate
Bengaluru

Dated on this the 29th day of June 2022

Crl.Misc.No. 3466/2022

PETITIONER

: **Sri.Rajesh L**

S/o. Lakshmaiah,

Aged about 30 years

R/At. Hosapete Ward No.7,

Kulume Beedi, Magadi Town,

Magadi, Ramanagar-562120.

[Rep.By Smt.Pavithra R, Advocaete]

-V/s-

RESPONDENT

:

The Commissioner,

Registrar of Births and Deaths,

B.B.M.P., Bengaluru.

[Respondent placed exparte]

O R D E R S

The petitioner has filed this petition Under Section 13[3] of Birth and Death Registration Act 1969 and prays the Court to direct the respondent to enter the date of birth of his daughter **Sneha R D/o. Rajesh L** in the registers concerned, who was born on 19.06.2016.

2. It is the case of the petitioner that, his wife Smt. Kavya P gave birth to a female child on 19.06.2016 at Vani Vilas Women's & Children's Hospital, Bengaluru. His daughter has been named as Sneha R. D/o. Rajesh L. Due to lack of knowledge, neither himself nor his family members informed the date of birth of his daughter to the respondent well in time to enter the same in the birth registers. Now he is in need of Birth certificate of his daughter to admit her to a school. When he filed an application to obtain the birth certificate of his daughter, the respondent issued a non availability certificate stating that the date of the birth of his daughter is not registered in the concerned registers. Accordingly, he prayed the Court to allow his petition and thereby direct the respondent to enter the date of birth of his daughter in the concerned registers.

3. After filing of this petition by the petitioner, this court issued notice to the respondent. In spite of service of notice, the respondent did not appear before the Court and hence, he was placed Exparte.

4. In order to prove his case, the petitioner got examined himself as PW.1 and got marked Ex.P.1 to Ex.P.4 documents. With this, he closed his side of evidence. As, the respondent is placed ex parte, the matter was not posted for his evidence.

5. I have heard the arguments of petitioner's counsels.

6. On the basis of the contentions taken by the petitioner in his petition, the following points arise for my consideration:

1. Whether the petitioner has made out the grounds to direct the respondent to enter the date of birth of his daughter Sneha R D/o. Rajesh L., as 19.06.2016 in the registers concerned?

2. Order?

7. On the basis of pleadings, oral and documentary evidence placed before the Court, my findings to the above points are as under:

Point No.1 : In affirmative

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

REASONS

Point No.1:

8. The petitioner approached this Court with a prayer to direct the respondent to enter the date of birth of his daughter Sneha R. D/o. Rajesh L in the birth registers concerned, who was born on 19.06.2016 at Vani Vilas Women's & Children's hospital, Bengaluru.

9. In order to substantiate his contentions, the petitioner got examined himself as PW.1 and got marked the non availability certificate as Ex.P.1, Discharge card cum identity card as Ex.P.2, notarized copy of his aadhar card as Ex.P.3 and notarized copy of the aadhar card of his wife as Ex.P.4. The chief examination of PW.1 is nothing but the reiteration of the petition averments.

10. In this case, the respondent has not appeared before the Court to admit or deny the petition averments. The PW.1 contends that, his wife Smt. Kavya P, gave birth to a female child on 19.06.2016 at Vani Vilas Women's & Children's hospital, Bengaluru. They have named their daughter as Sneha R. D/o. Rajesh L. But, due to lack of knowledge,

neither himself nor his family members informed the date of birth of his daughter to the respondent well in time to enter the same in the concerned registers.

11. Now, the petitioner is in need of birth certificate of his daughter to admit her to a school. Through Ex.P.1 it can be gathered that the date of birth of Sneha R. D/o Rajesh L, is not entered in the concerned registers maintained by the office of the respondent. Due to lack of knowledge, his family members have not got registered her date of birth in the concerned registers maintained by the office of the respondent.

12. As per Ex.P.2, Smt.Kavya W/o.Rajesh admitted to Vani Vilas Women's & Children's hospital, Bengaluru on 18.06.2016. She gave birth to a female child on 19.06.2016 and she was discharged on 22.06.2016. This document substantiates the version of the petitioner. There is no reason to doubt the contents of Ex.P.2. The birth certificate is required for many reasons and purposes. The petitioner is in need of birth certificate of her daughter to admit her to a school.

13. Therefore, by considering all these aspects, this Court is of the opinion that, there are sufficient materials before the Court to direct the respondent to enter the date of birth of Sneha R. D/o. Rajesh L., as 19.06.2016 in the birth registers concerned .

14. The object of the enactment of Birth and Death Registration Act is that, the statistics of Birth and Death has to be maintained properly and strictly. Mere delay in informing the fact is not a ground to reject the entry. The birth certificate is required for many purposes. Hence, the petitioner is entitled to the relief claimed in the petition. Accordingly, I answer point No. 1 in Affirmative.

Point No.2: For the aforesaid reasons, I proceed to pass the following:

ORDER

The petition filed by the petitioner U/Sec.13[3] of Birth and Deaths Registration Act, 1969 is hereby allowed.

The respondent is hereby directed to enter the date of Birth of **Sneha R. D/o. Rajesh L. & Smt. Kavya P.,** as **19.06.2016** in the registers concerned, who was born at Vani Vilas Women's & Children's hospital, Bengaluru and issue birth certificate accordingly, by collecting requisite fee from the petitioner.

[Dictated to the Stenographer directly on computer, the same was typed by him, the transcript thereof is corrected by me and then pronounced in open Court on this 29th day of June 2022]

[TATTANDA DAMAYANTI SOMAYYA]
XLI ACMM, BENGALURU.

ANNEXURE**LIST OF WITNESSES EXAMINED FOR PETITIONER :**

PW.1: Rajesh L

LIST OF DOCUMENTS MARKED FOR PETITIONER :_

Ex.P.1 : Non availability certificate
Ex.P.2 : Discharge card cum identity card
Ex.P.3 : Notarized copy of Aadhar Card of PW.1
Ex.P.4 : Notarized copy of Aadhar Card of Kavya

LIST OF WITNESSES EXAMINED FOR RESPONDENT:

Nil

LIST OF DOCUMENTS MARKED FOR RESPONDENT:

Nil

**[TATTANDA DAMAYANTI SOMAYYA]
XLI ACMM, BENGALURU.**