

**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
.CHANNAGIRI**

**PRESENT : Sri. Vajresha, B.A. L.L.B.
C/c I Addl. Civil Judge & JMFC,
Channagiri.**

DATED THIS THE 02nd DAY OF JULY 2026

Crl.Misc.No.168/2026

Petitioner: Iftekhar Ahamed .A
S/o Abdul Wahid
Aged about 29 years,
R/o Shikari Mohalla, Channagiri Town and
Taluk, Davanagere District.

(By Sri. M.C.M - Advocate)

V/s

Respondents : 1. The Chief Officer,
Town Municipal Office,
Channagiri, Channagiri Taluk,
Davanagere District.

(R-1 Ex-parte)

ORDER

The petitioner has filed this petition under Sec.13(3) of the Registration of the Births and Deaths Act, 1969.

2. The petitioner has stated in the petition that, he was born on 12.10.1996 at Channagiri Town, Channagiri Taluk to Abdul Wahid and Shabeena Jan. His father had intimated his date of birth to the respondent authority by orally, but the respondent authority have failed to entire his date of birth in the concerned register. He has applied for his birth certificate, but the respondents issued Non-availability

certificate dated 23.01.2026 and that the entry regarding his date of birth is not available with the respondent. The petitioner has further stated in the petition that his birth certificate is required to get benefit from government.

3. In spite of service of notice, the respondent has not appeared before the court and hence, the respondent is placed ex-parte. Accordingly the matter was posted for enquiry and the petitioner got himself examined before the court as PW-1 by filing her examination-in-chief affidavit and got marked 3 documents as Ex.P1 to P3 respectively.

4. Heard learned counsel for the petitioner. Perused the materials placed before me.

5. Following points arise for my consideration:

i. Whether the petitioner is entitled to the relief sought for in the petition and a direction to the respondents to enter the date of birth of the petitioner in the register concerned as 12.10.1996?

ii. What order?

6. My answers to the above points are as below:

Point No.1:- In the Affirmative

Point No.2:- As per final order

REASONS

7. **POINT No.1:-** In order to prove the case, the petitioner has filed an affidavit and has stated on oath regarding his date of birth and non-mentioning of his date of birth in the concerned register by the

respondent authority. The petitioner in his affidavit has reiterated the entire petition averments and has produced endorsement/non-availability certificate issued by the respondent and the same has been marked as Ex.P1. The petitioner has produced notarized copy of SSLC Marks card which has been marked as Ex.P2, notarized copy of aadhaar card of petitioner which has been marked as Ex.P3.

8. The documentary evidence produced by the petitioner speaks that the respondents have certified the Non-availability of birth certificate of Iftekhar Ahamed .A S/o Abdul Wahid and mother name: Shabeena Jan as per Ex.P1.

9. By relying on the above said documents, the petitioner sincerely made efforts to prove his contention. The respondent remained absent and the entire evidence available on record is remained unchallenged and undisputed. I find there is no reasons to disbelieve or discard the evidence of the petitioner. I have no other go to accept the case of the petitioner in the absence of the contra evidence. Therefore, I am of the view that the petitioner is certainly entitled to a direction from the court as prayed for in the petition. Accordingly, I answer point No.1 in the affirmative.

10. POINT No.2:- Having answered point No.1 in the affirmative, I proceed to pass the following:

ORDER

The petition filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to make an entry in respect of the date of birth of petitioner by name **Iftekhar Ahamed.A S/o Abdul Wahid and mother name: Shabeena Jan** (ಇಫ್ತೆಖರ್ ಅಹ್ಮದ್ . ಎ ಬಿನ್ ಅಬ್ದುಲ್ ವಾಹಿದ್ ಮತ್ತು ತಾಯಿ ಹೆಸರು: ಶಬೀನ ಜಾನ್) born on **12.10.1996** at Channagiri Town and Channagiri Taluk in the register concerned after collecting necessary fee.

(Order is dictated to the stenographer directly on the computer, corrected by me and then pronounced in the open court, on this the **02nd Day of JULY 2026**)

Sd/-

(Vajresha)

C/c I Addl. Civil Judge & JMFC,
Channagiri.

ANNEXURE

List of witnesses examined for the petitioners:

PW- 1 : Iftekhar Ahamed .A

List of documents exhibited for the petitioners:

Ex.P1 : Non-Availability certificate

Ex.P2 : Notarized copy of SSLC Marks card of petitioner

Ex.P3 : Notarized copy of aadhaar card of PW-1

List of witnesses and documents produced for the respondents:

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Sd/-

(Vajresha)

C/c I Addl. Civil Judge & JMFC,
Channagiri.