

**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.588/2026

Petitioner: K.S Vidhya
W/o B.C Umashankar,
Aged about 38 years,
R/o Ajjihalli Village,
Kasaba Hobli, Channagiri Taluk,
Davanagere District.

(By Sri. S.H - Advocate)

V/s

Respondents : 1. The Tahasildar,
Channagiri Taluk,
Channagiri.
2. The Village Accountant,
Ajjihalli Circle,
Channagiri Taluk,
Davanagere District.

(R-1 and 2 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, her son was born on 20.12.2024 at Ajjihalli village, Channagiri Taluk to Nabhay B.U S/o B.C Umashankara and K.S Vidhya. His mother 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. She has applied for her son birth certificate, but the respondents issued Non-availability certificate dated 02.05.2026 and that the entry regarding her son date of birth is not available with the respondents. The petitioner has further stated in the petition that her son birth certificate is required to his education purpose and to get other facilities.

3. In spite of service of notice, the respondents have not appeared before the court and hence, the respondents are placed ex-parte. Accordingly the matter was posted for enquiry and the petitioner got herself examined before the court as PW-1 by filing her examination-in-chief affidavit and got marked 5 documents as Ex.P1 to P5 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 20.12.2024?

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 her son date of birth and non-mentioning of her son date of birth in the concerned register by the respondents authority. The petitioner in her 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 Adhar card of petitioner which has been marked as Ex.P2, The petitioner has produced notarized copy of Adhar card of B.C Umashankara which has been marked as Ex.P3, Two photos which has been marked as Ex.P4 and 5.

8. The documentary evidence produced by the petitioner speaks that the respondents have certified the Non-availability of birth certificate of Nabhay B.U S/o B.C Umashankara and mother name: K.S Vidhya as per Ex.P1.

9. By relying on the above said documents, the petitioner sincerely made efforts to prove her contention. The respondents 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 respondents are hereby directed to
make an entry in respect of the date of birth of
petitioner son by name **Nabhay B.U S/o B.C
Umashankara and mother name: K.S
Vidhya** (ನಭಯ್ ಬಿ. ಯು ಬಿನ್ ಬಿ.ಸಿ ಉಮಾಶಂಕರ ಮತ್ತು
ತಾಯಿ ಹೆಸರು: ಕೆ. ಎಸ್ ವಿದ್ಯಾ) born on **20.12.2024**
at Ajjihalli village, 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 : K.S Vidhya

List of documents exhibited for the petitioners:

Ex.P1 : Non-Availability certificate

Ex.P2 : Notarized copy of Adhar card of PW-1

Ex.P3 : Notarized copy of aadhaar card of B.C Umashankara

Ex.P4 & 5 : Two Photographs.

List of witnesses and documents produced for the respondents:

- N I L -

Sd/-

(Vajresha)

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