

:ORDERS ON MAIN PETITION:

1.This petition is filed by the petitioner U/S 13 (3) of The Registration of Births and Deaths Act, 1969.

2. For the reasons stated in the petition, the petitioner had prayed for issuance of direction to the respondent to register her birth event and date of birth as 01.01.1980.

3. In spite of service of notice, the respondent is absent before the court and as such her objection was considered as nil. Thereafter the matter was posted for enquiry of the petitioner later.

4. In order to substantiate her case, the petitioner has got herself examined as PW-1 and and got marked 2 documents at Exs.P-1 and 2. Thereafter the petitioner closed evidence on her behalf.

5. Heard the arguments addressed by the learned counsel for the petitioner. Perused the materials on record.

6. The points that arise for the consideration of the court are:

P O I N T S

1. Whether the petitioner is entitled for the relief sought?

2 . What order?

7. On consideration of the materials placed on record, this court answers the aforesaid points as hereunder:

Point No.1: In the **Affirmative**

Point No.2: As per the final order for the following:-

REASONS

8. **Point No.1:** The petitioner has filed the petition praying for issuance of direction to the respondent to register birth event. As aforesaid the petitioner has got herself examined as PW-1 and reiterated the petition averments. In her examination-in-chief, she has deposed that was born on 01.01.1980 at her house at Toranagatta village, Jagaluru Taluk, PW-1 has further deposed that due to ignorance of her, The petitioner birth event is not intimated to the respondent. The petitioner in support of his case has relied upon Exs.P-1 and 2.

9. The Ex.P-1 goes to show that the birth event of petitioner is unregistered. Ex.P-2 goes to show that the date of birth of the petitioner's is 01.01.1980. As the respondent has remained absent before court, the oral and the documentary evidence produced by PW-1 has remained unrebutted and unchallenged. As such this court has no other alternative than to accept the reliable evidence adduced by the petitioner. Further in the event of allowing the said petition no other person will be put to any type of loss or injustice. Thus this court is of the opinion that the petition deserves to be allowed. Accordingly, point No.1 is answered in the **Affirmative**.

10. **Point No.2:** In the light of the foregoing discussions, this court proceeds to pass the following:

ORDER

The petition filed U/s 13(3) of The Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to make proper entry in respect of date of birth of petitioner's Nagarathna D/o Katappa (ನಾಗರತ್ನಾ

ತಂದೆ ಕಾಟಪ್ಪ) on 01.01.1980 born at Toranagatta village, Jagaluru Taluk.

The respondent shall collect the prescribed fee from the petitioner.

No order as to cost.

(Chethan R.)
Civil Judge and JMFC, Jagalur.