

KADK310007112026



Presented on : 28-04-2026
Registered on : 28-04-2026
Decided on : 20-06-2026
Duration : 00Year 01Month 22Days

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE AND J.M.F.C., AT PUTTUR, D. K.**

PRESENT: Smt.Prakriti Kalyanpur, B.A.L., L.L.B., L.L.M.

Principal Senior Civil Judge and
A.C.J.M., at Puttur, D.K.

Dated: This the 20th day of JUNE 2026
Crl.Misc./183/2026

1. Isubu.,

Aged about 56 Years,
S/o Late. Ismail,
R/at. Challangayi House,
Belandoor Village & Kudmar Post,
Kadaba Taluk, D.K.

....Petitioner

(By Sri. A.P. Advocate)

VERSUS

The Tahsildar,
The Registrar of Birth and Death,
Kadaba Taluk. D.K.

.... Respondent

(exparte)

ORDERS

The petitioner has filed this petition under
Sec.13(3) of Register of births and deaths Act, praying
this Court to pass appropriate order to enter the birth
particulars of petitioner by name Isubu, as he was born

on 01.01.1970 in the Register of Births maintained by the respondent in the interest of justice.

2. The petitioner has stated in the petition that the petitioner by name Isubu, as he was born on 01.01.1970 at Belandoor, Kadaba Taluk, D.K. The petitioner informed about the date of birth of the petitioner to the Tahsildar of Kadaba Taluk, D.K. to register the birth particulars of the petitioner. Hence, the petitioner was under the impression that the date of birth of the petitioner was duly registered. But, when the petitioner applied for issue of his Birth Certificate, the respondent issued the Non-availability Certificate as per proceeding No.EDS Jama Alabya B/D No:279/25-26 dated 20.02.2026 stating that the date of birth of the petitioner is not registered. Now the petitioner requires the birth certificate for the purpose of Passport and to furnish other Government Authority if required. Hence, this petition is filed praying this court to direct the respondent to record the date of birth of the petitioner in the concerned register.

3. After filing of the petition, this Court issued notices to the respondent. But, the respondent did not opt to appear before the Court.

4. During the course of evidence, the Petitioner himself is examined as the P.W.1 and marked the 5 documents as the Ex.P.1 to 5.

5. Heard the counsel for the petitioners.

6. The points that would arise for my consideration are ;

1. Whether the petitioners are entitled for the relief claimed in the petition filed u/Sec.13(3) of the Birth and deaths Act?

2. What order?

7. My answer to the above points are :

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

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

REASONS

8. **Point No1** : The petitioner in order to prove his case got examined himself as PW1 and got marked documents as per Ex.P1 to 5. Ex.P1 is the non-availability certificate issued by the respondent, Ex.P2 is the notarized copy of Aadhar card of petitioner, Ex.P3

is the Ration card of petitioner, Ex.P4 is the Passport of petitioner, Ex.P5 is the Copy of Pan Card of petitioner.

9. The petitioner has stated that he was born on 01.01.1970 at Belandooru, Kadaba Taluk, D.K. PW.1 further stated that he informed the birth particulars to the Tahsildar of Kadaba Taluk, D.K to register in the concerned register maintained by him. Hence, the petitioner was under the impression that the date of birth of the petitioner was duly registered. But, when the petitioner applied for issue of his Birth Certificate, the respondent issued the Non-availability Certificate as per proceeding No.EDS Jama Alabya No:279/25-26 dated 20.02.2026 stating that the date of birth of the petitioner is not registered. Now the requires the birth certificate to purposes of obtaining Passport and Government and other facility if required. Hence this petition is filed praying the Court to direct the respondent to enter the date of birth of the petitioner in the Register of Births, as prayed in the petition.

10. Inspite of service of notice, the respondent did not opt to appear before the Court and hence

placed exparte, as per the order of this Court. Notarized copy of Aadhar Card marked at Ex.P2 which is issued by the Government of Karnataka pertaining to petitioner clearly reveals the date of birth of petitioner as on 01.01.1970. Hence, I am of the opinion that the petitioner had made out sufficient grounds to allow the petition, as prayed for. There are no grounds to disbelieve the case of petitioner. Accordingly, 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 petition filed by the petitioner u/Sec.13(3) of the Births and Deaths Act is hereby allowed.

The Respondent is hereby directed to cause entry in the concerned register, the date of birth of the petitioner by name Isubu, as he was born on 01.01.1970 at Belandoor, Kadaba Taluk, D.K., after collecting necessary fee if any.

No order as to costs.

(Dictated to the stenographer directly on computer, typed by her corrected by me and then pronounced in the open Court today the 20.06.2026)

(Prakriti Kalyanpur)
Prl. Senior Civil Judge & ACJM
Puttur.

ANNEXURE**List of the witness examined on behalf of the petitioner :**

PW1 : Isubu

List of the witness examined on behalf of the Respondent :

– Nil –

List of documents marked on behalf of the petitioner :

Ex.P1 : Non-availability certificate
Ex.P2 : Notarized copy of Aadhar Card
Ex.P3 : Notarized copy of Ration Card
Ex.P4 : Notarized copy of Passport of
Petitioner
Ex.P5 : Copy of Pan Card of petitioner.

List of document marked on behalf of the Respondent :

-Nil –

**Principal Senior Civil Judge &
A.C.J.M., Puttur, D.K.**