

KADK510004692026



Presented on : 27-03-2026

Registered on : 02-04-2026

Decided on : 01-07-2026

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

PRESENT

SRI. SHASHANK NAGENDRA BHAT

B.B.A., LL.B (HON'S)

I Addl. Civil Judge & JMFC, Belthangady

Dated this the 1st day of July -2026.

Crl.Misc./81/2026

Petitioner : **Smt. Mary Pinto**
Aged about 44 years,
W/o. Xavier Arun Pinto
R/at Soorya Narayana Temple Road,
Maroli Kulashekar Village and post,
Mangaluru Taluk-575005.
(R/by Sri. Sandeep D'souza -Adv.)

V/s

Respondent/s: **The Registrar**
of Births and Deaths,
(Tahsildar, Belthangady)
Taluk and Post : Belthangady,
District : Dakshina Kannada.
(Ex-parte)

ORDER

The Petitioner stands at the doors of this Court by filing the present petition under Section 13(3) of Registration of Births and Deaths Act, 1969 seeking for a direction to the Respondent to register her date of birth in the concerned register.

2. In the subject petition it is stated that the Petitioner by name **Smt. Mary Pinto, W/o. Xavier Arun Pinto** was born on **02.07.1982** at **Pundraje House, Peradi Village, Belthangady Taluk**. The Petitioner further states that, due to her parents ignorance, they have not informed the same to the respondent. Be that as it may, the Petitioner is now in need of her birth certificate for the purpose of obtaining passport. Hence, the Petitioner approached the Respondent for issuance of her birth certificate. However, the Respondent issued a Non-Availability Certificate on 2.3.2026. Itaque, she prayed to issue direction to the Respondent to register her date of birth in the concerned register.

3. On service of Petition notice, the Respondent has remained absent, hence the Respondent is placed *ex-parte*.

4. The following points that arise for the consideration of this court are:

1. Whether the Petitioner has made out grounds for issuing directions to the Respondent as sought?

2. What Order?

5. The petitioner in support of her case, has examined herself as **P.W.1** and relied on documents which are marked as **Ex.P.1 to Ex.P.4**.

6. This Court has heard the arguments of the Learned Counsel for Petitioner and has given anxious consideration to the materials on record.

7. The findings of this court to the above points are as follows:

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

Point No.2: As per final **Order**
for the following:

REASONS

8. Point No.1 : To fortify her case, the Petitioner has filed affidavit in lieu of her examination-in-chief. In her evidence she has stated that she was born on 02.07.1982 at Pundraje House Peradi village, Belthangady Taluk. Further, she has deposed that due to ignorance of her parents, they have not inform the date of birth and other particulars to the concerned authority. When she applied for the issuance of her birth certificate, the Respondent authority issued a Non-Availability Certificate. The

Petitioner requires her birth certificate for the purpose of obtaining a passport and therefore, she has filed this petition.

9. Further, during the course of her examination-in-chief, marked 4 documents, wherein Ex.P1 is non availability certificate, Ex.P2 is Notarized copy of Aadhar card, Ex.P3 is Notarized copy of Pan card, Ex.P4 is Notarized copy of Electors Photo Identity Card. The evidence adduced by the Petitioner has remained unchallenged and unrebutted, as it has not been tested by cross-examination. Hence, this court is of the opinion that she has established that she by name **Smt. Mary Pinto, W/o. Xavier Arun Pinto** was born on **02.07.1982** at **Pundraje House, Peradi Village, Belthangady Taluk.** and she is entitled for the relief sought. With these observations this court answered **POINT NO.1** in the **AFFIRMATIVE.**

10. Point No. 2 : For the foregoing discussion on point No.1, this court proceeds to pass the following :

ORDER

The Petition filed under Section 13(3) of the Registration of Birth and Death Act, 1969 is hereby allowed.

The Respondent is hereby directed to enter the date of birth of petitioner – **Smt. Mary Pinto, W/o. Xavier Arun Pinto** was born on **02.07.1982** at **Pundraje House, Peradi Village, Belthangady Taluk**, in the relevant registers maintained by the Respondent, after collecting necessary fee, if any.

Issue intimation accordingly.

(Dictated to the Stenographer online computer and computerized by her, revised, corrected and then signed and pronounced by me in open court on this **1st day of July- 2026**)

(SHASHANK NAGENDRA BHAT)

I Addl. Civil Judge & JMFC,
Belthangady

:ANNEXURE:

List of witnesses examined on behalf of petitioner:

P.W.1 : Smt.Mary Pinto

List of witnesses examined on behalf of respondent:

- Nil -

List of documents exhibited on behalf of petitioner:

Ex.P.1 : Non availability Certificate
Ex.P.2 : Notarized copy of Aadhar card
Ex.P.3 : Notarized copy of Pan card
Ex.P.4 : Notarized copy of Electors Photo
Identity Card

List of documents exhibited on behalf of respondent:

- N i l -

**I Addl. Civil Judge & JMFC,
Belthangady**