

KADK600003942026



Presented on : 19-05-2026
Registered on : 19-05-2026
Decided on : 24-06-2026
Duration : 01 month, 05 days

**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC,
MOODABIDRI, D.K.**

PRESENT: SRI KRISHNA RAJ K. B.A., LL.B.
SENIOR CIVIL JUDGE & JMFC,
MOODABIDRI, D.K.

Dated this the 24th day of June 2026

Crl.Misc./25/2026

Between:

PETITIONER:

Sajida Banu,
D/o. M.H. Moidinabba,
Aged about 35 years,
D.No.2-222, Kundodi House,
Yedapadavu Pete,
Thenkayedapadavu Village,
Mangaluru Taluk, D.K. District.

(By Advocate Sri Harish P.)

- And -

RESPONDENT:

The Tahasildar of Mulki Taluk
(who is Registrar of Birth and Deaths)

(Placed exparte)
: ORDER :

This petition is filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969, praying for direction to the respondent to cause an entry regarding her birth, in the register of births maintained by the respondent.

2. It is the case of the petitioner that she was born on 13.10.1990 at Ullanje, Mennabettu Village, Mulki Taluk, D.K. The fact of the birth of the petitioner was not intimated by the parents of the petitioner. The petitioner has filed an application before the respondent to issue birth certificate, the respondent has issued non-availability certificate stating that the fact of birth of petitioner namely, Sajida Banu was not entered in the birth register maintained by the respondent. Hence, the petitioner having no other alternative remedy, constrained to file the present petition seeking direction to the respondent to enter the date of birth in the birth register maintained by the respondent.

3. The notice of the petition is duly served on the respondent, but he failed to appear in response to notice. Hence, he was placed ex-parte. Then, the matter was posted for petitioner's evidence.

4. The petitioner got examined as PW.1 and produced 3 documents at Ex.P1 to P3. As the respondent was ex-parte, the case was posted for arguments after evidence of petitioner.

5. Heard the arguments of the learned counsel for the petitioner.

6. In the light of the above, the following points arise for my consideration:

- 1) Whether the petitioner has made out grounds to direct the respondent to make an entry of her birth in the register maintained by the respondent as per particulars furnished in this petition?
- 2) What order?

7. My findings on 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:-** PW1 in her chief-examination reiterated the averments of the petition and in support of the oral evidence, she has produced Non-availability certificate at Ex.P1, copy of Transfer Certificate at Ex.P2, copy of Aadhaar card at Ex.P3

9. The non-availability certificate produced at Ex.P1 shows that the fact of birth of petitioner is not registered in the register of birth maintained by the respondent. The Transfer Certificate and Aadhaar card produced at Ex.P2 and P3 substantiates that the petitioner was born on 13.10.1990. The particulars furnished by the petitioner regarding her name, her parents name, date of birth and place of birth has been substantiated by the above documents produced by the petitioner. Despite due service of notice, the respondent did not appear and did not contest the petition. The pleadings of the petitioner stands unchallenged and the oral and documentary evidence of the petitioner stands unrebutted. The petitioner, by preponderance of probability has

established her date of birth and other particulars furnished in the petition.

10. It is submitted that the birth certificate of the petitioner is necessary for applying passport and other bonafide reasons. The petitioner has made out sufficient grounds to issue necessary direction to the respondent to register the date of birth of the petitioner in the register of births maintained at the office of the respondent by paying prescribed fee. Accordingly, Point No.1 is answered in the Affirmative.

11. **POINT No.2** : In view of my findings on the above point, I proceed to pass the following :-

: ORDER :

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

The respondent is hereby directed to register the date of birth of the petitioner in the Register of Births maintained at their office as per the particulars furnished in this petition after verifying the correctness and on payment of prescribed fee.

The certified copy of birth certificate shall be issued to the petitioner.

Considering the facts and circumstances, no order as to costs.

**PARTICULARS OF THE ENTRIES SOUGHT TO
BE MADE**

Name : Sajida Banu
 Father's name : M.H. Moidinabba
 Mother's name : Puthu
 Date of Birth : 13.10.1990
 Gender : Female
 Place of birth : Ullanje, Mennabettu Village,
 Mulki Taluk, D.K.

(Dictated to Stenographer directly on the computer, typed by her, corrected, signed and then pronounced by me in the open Court on this the 24th day of June 2026)

**(KRISHNA RAJ K.)
 SENIOR CIVIL JUDGE & JMFC,
 MOODABIDRI, D.K.**

ANNEXURE

List of witness examined for the petitioner:

PW.1	Sajida Banu
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List of exhibits marked for the petitioner:

Ex.P1	Non availability certificate issued by Deputy Tahsildar, Mulki Taluk.
Ex.P2	Notarized copy of school transfer certificate.
Ex.P3	Notarized copy of Aadhaar card of petitioner.

List of witness examined for Respondent: NIL.

List of exhibit marked for Respondent: NIL.

**(KRISHNA RAJ K.)
 SENIOR CIVIL JUDGE & JMFC,
 MOODABIDRI, D.K.**