

KADK610001542026



Presented on : 07-03-2026
Registered on : 12-03-2026
Decided on : 09-07-2026
Duration : 04 months/02 days

**IN THE COURT OF CIVIL JUDGE & J.M.F.C.
AT MOODBIDRI, DAKSHINA KANNADA**

**PRESENT: Sri. Fawaz P.A., B.A., LL.B.,
CIVIL JUDGE & J.M.F.C.,
MOODBIDRI.**

DATED: THIS THE 09TH DAY OF JULY, 2026

CRL.MISC./50/2026

Petitioner:

Mrs. Shakira Ibrahim.,
Aged about 58 years,
D/o. Sheik Ahamad,
W/o. Sheikh Ibrahim,
R/at. D.No. 217-8,
Sheikh Manzil, Duggabettu,
Pulkeri Bypass, Karkala Village
and Post, Udupi Taluk,
DK-574104.
(Rep.by: Sri Irshad N.C.-Adv.)

-V/s-

Respondent:

The Tahsildar, Moodbidri,
(Registrar of Births and Deaths),

(Exparte)

-: O R D E R:-

This Petition is filed under section 13(3) R/w Rule 10(3) of the Registration of Births and Deaths Act 1969, by the Petitioner against the Respondent.

2. The brief facts of the Petitioner's case are as under:

The Petitioner was born on **28-05-1968 at PUTHIGE VILLAGE OF MOOBBIDRI TALUK**. When she applied for her birth certificate the Respondent issued Non-Availability Certificate. Hence petitioner filed her petition.

3. This court had issued summons to the Respondent. The same was served sufficiently. In spite of due service of summons, the Respondent did not appear before this court.

4. In order to prove Petitioner's case, the Petitioner herself got examined as P.W-1 by filing affidavit in lieu of Examination-in-Chief and Ex.P.1 to Ex.P4 were marked on her behalf. As the Respondent remained absent, no cross examination of P.W-1 was conducted.

5. Heard arguments of Petitioner. Perused the entire documents available on record. Following points arise for my consideration.

Point No.1 : Whether Petitioner is entitled for the registration of her date of birth in the register maintained by Respondent?

Point No.2 : What order?

6. My answers to the above points are as under:

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

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

REASONS

7. **Point No.1:-** In order to prove the Petitioner's case, Petitioner herself examined as P.W-1 by filing affidavit in lieu of Examination-in-Chief and got marked 4 documents as Ex.P1 to Ex.P4. So far as Ex.P.1 is concerned, Non-Availability Certificate was issued by the Respondent's office dated 24.12.2025 in favour of Petitioner. Ex.P2 is the Aadhar Card and Ex.P3 is the S.S.L.C., Marks Card of the

petitioner. Ex.P4 is the Print of Paper Publication in Karavali Aale Newspaper dated 01.01.2026 pertaining to the petitioner. These documents are not disputed by the Respondent.

8. On perusal of these documents produced by the Petitioner, it is quite evident that the Petitioner was born on **28-05-1968 at PUTHIGE VILLAGE OF MOODBIDRI TALUK.**

9. However, the Respondent remained absent, the entire evidence available on record remained unchallenged and undisputed.

10. Further it is pertinent to note here, that this Court is relying on reported decision in ***ILR 2000 KAR 4770 between State of Karnataka vs. Annakka***, the Hon'ble High Court of Karnataka it was held that with reference to Section 13(3) of Registration of Births and Deaths Act, 1969:

“The policy of the law embodied in the section, as it appears to me, is to avoid manipulation in the entries relating to the date of births and deaths. Such entry shall be made immediately after the occurrence. Precaution should be taken while making delayed entries. The law says that an entry which has not been

made within one year of its occurrence cannot be made without an order of the Magistrate. Section 13 (3) of the Act is just a constraint on the Registrar. It is not a provision whereby an aggrieved party could get an adjudication on her disputed date of birth. The order of the Magistrate binds only the Registrar and not others. The entry made by the Registrar pursuant to an order of the Magistrate, cannot carry higher probative value and its proof must necessarily depend upon the facts and circumstances of each case.”

In the light of the foregoing discussion and ratio lay down by the Hon'ble High Court in the case of ***State of Karnataka v. Annakka*** reported in ***ILR 2000 KAR 4770*** considering the nature and scope of proceedings, on the basis of the evidence discussed above, I am satisfied that the averments made in the petition are believable. Therefore, I find that the Petitioner is entitle for the relief claimed. Henceforth, this petition need to be allowed. Accordingly, ***Point No.1 is answered Affirmatively.***

11. Point No.2: In view of the above discussion and answering ***Point No.1 Affirmatively***, I proceeds to pass the following order :

ORDER

The petition filed under Section 13(3) R/w Rule 10(3) of the Registration of Births and Deaths Act 1969, is hereby allowed.

The Respondent is hereby directed to make proper entries in respect of the date of birth of Petitioner by name "**SHAKIRA IBRAHIM**" was born on **28-05-1968** at **PUTHIGE VILLAGE OF MOODBIDRI TALUK**, in the relevant registers maintained by the Respondent by receiving the requisite fee.

Office is directed to issue intimation to Respondent.

*(Dictated to the stenographer, transcribed by her, transcript revised by me, corrected, signed and then pronounced in the open Court on this **09th day of July, 2026.**)*

 **(Fawaz P.A.)**
Civil Judge and J.M.F.C.,
Moodbidri

ANNEXURE**WITNESS EXAMINED ON BEHALF OF THE PETITIONER:**

P.W.1 : Mrs. Shakira Ibrahim

DOCUMENTS MARKED ON BEHALF OF THE PETITIONER:

Ex.P1 : Non-Availability certificate dated 24.12.2025

Ex.P2 : Notarized copy of Aadhar Card of petitioner

Ex.P3 : Notarized copy of S.S.L.C. Marks Card of petitioner

Ex.P4 : Print of Paper Publication in Karavali Aale Newspaper
dated 01.01.2026

WITNESS EXAMINED ON BEHALF OF THE RESPONDENT:

-----NIL-----

DOCUMENTS MARKED ON BEHALF OF THE RESPONDENT:

-----NIL-----

(Fawaz P.A.)
Civil Judge and J.M.F.C.,
Moodbidri