

KADK610002502026



Presented on : 18-04-2026
Registered on : 22-04-2026
Decided on : 29-07-2026
Duration : 03 months/11 days

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

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

DATED: THIS THE 29TH DAY OF JULY, 2026

CRL.MISC./88/2026

Petitioner: Mr. Melwyn Vivian Pinto,
Aged about 48 years,
S/o. Jokim Pinto,
R/at. 5-81A, Gampadadda House,
Shirthadi, Moodbidri Taluk,
D.K. District-574236.

(Rep.by: Sri Praveen S. Lobo-Adv.)

-V/s-

**Respondent: The Tahshildar, Taluk Office,
Moodbidri Taluk, D.K. District.**

(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 **18-05-1978** at **SHIRTHADI VILLAGE OF MOODBIDRI TALUK**. When he applied for his birth certificate the Respondent issued Non-Availability Certificate. Hence petitioner filed this 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 himself got examined as P.W-1 by filing affidavit in lieu of Examination-in-Chief and Ex.P.1 to Ex.P3 were marked

on his 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 his 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 himself examined as P.W-1 by filing affidavit in lieu of Examination-in-Chief and got marked 3 documents as Ex.P1 to Ex.P3. So far as Ex.P.1 is concerned, Non-Availability Certificate was issued by the Respondents office dated 02-03-2026 in favour of Petitioner. Ex.P2 is the Aadhar card and Ex.P3 is the

Study Certificate of 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 **18-05-1978 at SHIRTHADI 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 "**MELWYN VIVIAN PINTO**" was born on **18-05-1978** at **SHIRTHADI 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 on online, typed by her and corrected and signed by me and then pronounced in the open Court on this, **29th day of July, 2026.**)*

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

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

P.W.1 : Mr. Melwyn Vivian Pinto

List of documents exhibited on behalf of the Petitioner:

Ex.P1 : Non-availability certificate dated 02.03.2026

Ex.P2 : Notarized copy of Aadhar Card of the petitioner

Ex.P3 : Notarized copy of Study Certificate of the petitioner

List of witness examined on behalf of the Respondent:

-NONE-

List of document marked on behalf of the Respondent:

-NIL-

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