

KADW410005372026



Presented on : 14-07-2026

Registered on : 14-07-2026

Decided on : 11-08-2026

Duration : 0 years, 0 months, 28 days

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC.,

KUNDGOL

Present: Sri. Abdul Khadar, B.A., LL.B.
Senior Civil Judge & JMFC,
Kundgol.

Cr.Misc. No. 110/2026

Dated this the 11th day of August 2026.

Petitioner: Smt. Salma D/o Hajaresab Gudageri
after marriage Smt. Salma W/o
Nijamuddin Tadkod
Age: 31 years
Occ: Household work
R/o : Kamadolli, Kndmgol,
Now at Shirestedar Oni, Madihal
Dharwad.

(Sri. BRN, Advocate)

V/s

Respondent: 1. The Chief Officer, Pattana Panchayat,
Karyalaya, (Registrar of Births and Deaths,
Kundagol) Kundgol,
Kundgol Tq, Dharwad District.

(Placed Exparte)

ORDER

The petitioner **Smt. Salma D/o Hajaresab Gudageri** has sought to invoke Sec.13(3) of Registration of Births & Deaths Act by seeking a direction to respondents to enter her date of birth in the register of Births and deaths as on **02.07.1994 at Government Hospital, Kundgol Town, Kundgol Taluk.** It is said that due to some bonafide reasons stated in the petition the date of birth of **Smt. Salma D/o Hajaresab Gudageri** has not been entered in the register of births and deaths.

2. After filing of the petition, notice was issued to the respondents. The respondents remained absent. Hence, placed exparte. Then, posted for petitioner's evidence. Petitioner No.1 examined as **P.W.1** and marked 3 documents.

3. Heard, Perused records.

4. The following point arise for my consideration:

“Whether the petition filed U/Sec.13(3) of Births & Deaths Act by the petitioner is deserves to be allowed” ?

5. My answer to the above point is in the **AFFIRMATIVE** for the following

REASONS

6. The petitioner **Smt. Salma D/o Hajaresab Gudageri** in her evidence affidavit deposed par with the

petition averments. Non-availability certificate is marked as Ex.P.1. On perusal of it, it is mentioned that the event relating to birth of **Smt. Salma D/o Hajaresab Gudageri**. Ex.P.2 is the School Leaving Certificate of petitioner Ex.P.3 is the Adhar Card of petitioner. On Careful scrutiny of the oral and documentary evidence available on record, it transpires that the petitioner has filed the application with a bonafide intention. Further, as the respondents placed Exparte, there is no rebuttal evidence to challenge the version of the petitioner, hence the version of the petition is accepted.

7. Keeping in view of the decision rendered in AIR 1976 Kar. 231 I proceed to pass the following:

ORDER

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

The respondents are directed to register the date of birth of petitioner by name **Smt. Salma D/o Hajaresab Gudageri** in the concerned register as on **02.07.1994 at Government Hospital, Kundgol Town, Kundgol Taluk** subject to payment of requisite late fee etc., and further it is hereby directed to issue Birth certificate accordingly.

(Dictated to the stenographer directly on the computer, corrected, revised and then pronounced by me in the open court, this the 11th day of August 2026.)

(Abdul Khadar)
Senior Civil Judge and JMFC,
Kundgol.

APPENDIX

List of witnesses examined on behalf of the petitioner:-

P.W.1: Smt. Salma D/o Hajaresab Gudageri

List of documents marked on behalf of the petitioner:-

Ex.P1: Non-availability Certificate.

Ex.P2: School Leaving certificate

Ex.P.3: Adhar Card.

List of witnesses examined & documents marked on behalf of the respondent:

- NIL -

Senior Civil Judge & JMFC,
Kundgol.