

**IN THE COURT OF THE XXXVIII ADDL. CHIEF METROPOLITAN
MAGISTRATE, BANGALORE**

*Present : **Sri. P. Shivaraj,**
 B.Com. LL.B.
 XXXVIII ADDL.C.M.M., BANGALORE*

Dated this the 13th day of April – 2022

Crl. Misc.1936/2022

Petitioner/s: Neda Anjum
 D/o.Riyaz Ahmed, 28 yrs
 Rep.by SPA Holder-Father-in-law
 Afsar Pasha
 S/o.Answar Pasha, 66 yrs. R/a.No.24,
 2nd Cross, Near Khaleel Ulla Masjid,
 Beerappa Garden, Chamundinagar,
 Bengaluru – 560 032.
 (By Smt. S.Kalavathy, Advocate)

// Vs. //

Respondent/s: The Commissioner,
 Registrar of Births and Deaths
 Bengaluru Mahanagara Palike,
 Bengaluru.

(Ex -party)

ORDER

The petitioner is represented by her father-in-law Afsar pasha and he has filed this petition U/sec. 13(3) of Registration of Birth and Death Act 1969. alleging that, petitioner is his **her daughter-in-law and she was born on 01/03/1993**. As the petitioner and his family members were ignorant about the legal procedure of reporting and

registering his daughter-in-law date of birth before the competent authority. Further the father-in-law of petitioner approached the respondent to get his daughter-in-law birth certificate. The respondent has given Non-availability certificate. Now, father-in-law of petitioner is intending to register the event of birth of her daughter-in-law in the records maintained by the respondent, as he is in need of his daughter-in-law's birth certificate for documentation purpose.

2. After registration of the petition, notice was issued to respondent and it was duly served, but respondent does not chose to appear before this court and he placed ex party. Petitioner's father-in-law examined him self as PW.1 and Ex.P.1 to Ex.P.4 are marked. Cross of PW1 taken as nil, as respondent remain ex-party. Respondent evidence is also taken as nil.

3. I have heard the arguments and perused the records.

4. Now following points would arise for my consideration:

1) Whether the petitioner has made out sufficient grounds to allow the petition?

2) What order?

5. My answer to the above points is as under:

Point No.1: In the affirmative

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

REASONS

6. **POINT No.1:-** PW1 has reiterated the petition averments in his examination in chief. Ex.P1 is the non availability certificate of non registration of date of birth of petitioner issued by the respondent.

Ex.P.2 and Ex.P.3 are the copies of petitioner TC and aadhar card. Ex.P.4 is the copy of aadhar card of petitioner's father-in-law. The entries in the aforesaid documents reveals that the petitioner was born on 01.03.1993 and the said documents corroborates with petitioner version. Ex.P.2 to 4 are issued from the competent authority and its genuineness cannot be doubted and deserved to be accepted. The entries in the aforesaid Ex.P.2 and 3 reveals and establishes that the petitioner was born on **01/03/1993**.

7. The non-availability certificate issued by the respondent is marked as Ex.P1. It reveals that the petitioner's date of birth was not registered in their records. Petitioner's father-in-law alleged that, he is intending to register the event of date of birth of his daughter-in-law, for documentation purpose. The purpose of filing of this petition and the documentary evidence on records remains un-impeached and unbuttered and same cannot be doubted and deserve to be believed. Further it is settled principle of law that, the entry of date of birth or death of a person, in the register of Birth or death is not a conclusive evidence of disputed date of birth or death. It is also true that this Order binds only the concerned Registrar of Birth or death and not others. Accordingly after verifying the correctness of date of birth of the petitioner, based on the undisputed documents relied on by his father, **I am answering this point in the affirmative.**

8. POINT No.2: For these foregoing reasons stated above to point No.1, I proceed to following:-

ORDER

The petition filed by the petitioner is allowed.

Respondent is hereby directed to register/enter the date of birth of petitioner that is **she was born on 01/03/1993** in their register and issue birth certificate to the petitioner by collecting necessary fees if any.

[Dictated to the stenographer directly on computer, corrected by me. and then pronounced by me in the open court on 13th April 2022].

(P. SHIVARAJ)

XXXVIII A.C.M.M. B'LURU

ANNEXURES:

1) No. of witnesses examined on behalf of the petitioner/s:

PW-1 : Sri. Apsar Pasha S/o Anwar Pasha.

2) No. of documents marked on behalf of the petitioner/s:

Ex.P1 : The Non availability certificate.

Ex.P2,3 : Petitioner's TC and Aadhar card.

Ex.P4 : Aadhar card of petitioner's father-in-law.

3) No. of witnesses examined on behalf of the respondent/s:

- NIL -

4) No. of documents marked on behalf of the respondent/s:

- NIL -

(P. SHIVARAJ)

XXXVIII A.C.M.M. B'LURU.

Orders pronounced in the open court vide separate orders.
The operative portion of the order reads thus;

ORDER

The petition filed by the petitioner is allowed.

Respondent is hereby directed to register/enter the date of birth of petitioner that is **she was born on 01/03/1993** in their register and issue birth certificate to the petitioner by collecting necessary fees if any.

(P. SHIVARAJ)

XXXVIII A.C.M.M. B'LURU.