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Crl. Misc No.227/2026

IN THE COURT OF PRL CIVIL JUDGE AND JMFC.,

SAKALESH PURA

:-Present:-

SRI LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

Prl. Civil Judge & JMFC., Sakleshpura.

Dated : 2nd Day of July, 2026

Crl. Misc. No.227/2026

Petitioner : Sri. Shekara S/o Somaiah,
Aged about 52 years,
R/at Dinnekere village,
Balagodu Dakle,
Udevara Post,
Belagodu Hobli,
Sakaleshpura Taluk,
Hassan District.

(Rep. By Sri. M.R.V. Adv.,)

V/s

Respondent : The Tahsildhar,
Sakaleshpura Taluk,
Sakaleshpura.

(Exparte)



::ORDERS::

This petition is filed by the petitioner under Section 13(3) of the registration of the Births and Deaths Act, seeking direction from this court to direct the respondent to enter the date of birth of the petitioner as **15.12.1973** born at **Dinnekere village, Udevara Post, Belagodu Hobli, Sakaleshpura Taluk, Hassan District** in the register maintained by the respondent.

2. Background of the facts in a nutshell as under:

The petitioner was born on **15.12.1973** at **Dinnekere village, Udevara Post, Belagodu Hobli, Sakaleshpura Taluk, Hassan District**. The parents of the petitioner had not informed the said facts to the respondent. Hence, the date of birth of the petitioner has not been registered in the concerned register maintained by the respondent. The petitioner has approached the respondent for obtaining his



birth certificate. But the respondent has issued non availability certificate by stating that, there is no entry of his date of birth. Hence, he has filed present petition.

3. In spite of service of summons, the respondent has failed to appear before the court. Hence, he is placed *ex parte*.

4. The petitioner herein in order to prove the averments of the petitioner has got himself examined as PW.1 and has reiterated the contents of the petition averments by filing his affidavit in lieu of examination-in-chief and got marked Ex.P-1 to Ex.P3 documents.

5. Heard and perused the materials on record.

6. The following points arise for the determination.

Point No.1: Whether the petitioner has made out sufficient grounds for allowing the petition?

Point No.2: What order?



7. My answer to the above points are under;

Point No.1 : Affirmative

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

::REASONS::

8. It is contended by the petitioner that he was born on **15.12.1973** at **Dinnekere village, Udevara Post, Belagodu Hobli, Sakaleshpura Taluk, Hassan District**. The parents of the petitioner had not informed the said facts to the respondent. Hence, the date of birth of the petitioner was not registered in the concerned register maintained by the respondent. The petitioner has approached the respondent for obtaining his birth certificate. But the respondent has issued non availability certificate by stating that, there is no entry of his date of birth. The birth certificate is required for his Government facility. In order to prove his contention, he has produced documents at Ex.P-1



non availability certificate, Ex.P-2 is the Study certificate, Ex.P.3 is Aadhar Card.

9. It is also trite in a proceedings under section 13(3) of registration of births and deaths Act, court is concerned with the factum of birth or death and date of birth or death not relevant. This proposition finds support from the ratio laid down by *Hon'ble High Court of Karnataka in 2000(4) KCCR 2674, State of Karnataka V/s Smt Annakka*, which reads thus,

“Registration of Births and Deaths Act, 1969-section 13(3)-direction to make an entry in the Birth register by the Magistrate-Challenged on the ground that except the statement of applicant on oath, there is no other materials.

Held. The Magistrate in a proceeding under section 13(3) only ascertains the Birth of the child and date is not the material consideration, as such directions bind only the registration



office under the Act to make an entry and does not carry higher probative value”.

10. Reverting to the factual matrix of the present case, on perusal Ex.P1, it appears that his date of birth is not entered in the birth register. Ex.P2 disclose that his date of birth is **15.12.1973**. Further, the petitioner has averred that the birth certificate is required for his Government facility, this court does not find any reasons to disbelieve the case of the petitioner. Hence, I am of the opinion that there are no grounds to reject the petition. Further, in the event of allowing the petition, no other persons will be put into loss or injustice. On the other hand, in the event of rejecting the petition, the petitioner will be put into great hardship and injustice. Under the circumstances, the petition is liable to be allowed. Hence, this court answered **Point No.1 in the Affirmative.**



11. Point No.2:- For the above discussed reasons, this court proceeds to pass the following:

::ORDER::

The petition filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, is hereby allowed.

The respondent is hereby directed to enter the date of birth of the petitioner by name **Sri. Shekara S/o Somaiah** as **15.12.1973** born at **Dinnekere village, Udevara Post, Belagodu Hobli, Sakaleshpura Taluk, Hassan District** in the concerned records and issue birth certificate to the petitioner after collecting the required fee and fine.

The said entry shall not be a conclusive proof of birth and if in case of any dispute there exists on date of birth, the entries shall be subjected to proof.

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No order as to costs.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 2nd day of July, 2026]

[Lakshmi Narasimha R.V.,
Prl. Civil Judge and JMFC,
Sakaleshpura.

::ANNEXURE::

List of witnesses examined for the petitioner:

PW1 : Sri. Shekara S/o Somaiah

List of documents exhibited for the petitioner:

Ex.P-1 : Non availability certificate

Ex.P-2 : Study certificate

Ex.P-3 : Aadhar Card

List of witnesses examined for the respondent:

-----NIL-----

List of documents exhibited for the respondent:

-----NIL-----

[Lakshmi Narasimha R.V.,
Prl. Civil Judge and JMFC,
Sakaleshpura.