

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
J.M.F.C AT BYADGI**

Present: Smt.Rajeshwari.J.Puranik, B.A. L.L.B.(Spl.),
Senior Civil Judge & JMFC., Byadgi.

Cri.Misc.No.75/2025
Dated this 6th day of March, 2026

Petitioner : Sahil Ahamad S/o Mustak Ahamad
Ganajur, Aged 21 years, Occ:
Farmer, R/at Kaginele, Tq: Byadgi,
Dist: Haveri.

(By Sri.M.M.K., Advocate.)

V/s

Respondents : 1. The Tahashildar and Registrar of
Birth and Death, Byadgi, Tq: Byadgi,
Dist: Haveri.

2. The Village Accountant, Kaginele,
Tq: Byadgi, Dist: Haveri.

(Placed exparte)

ORDERS

That the petitioner filed the present petition under Section13(3) of Registration of Births and Deaths Act seeking for the direction to the respondents to register the date of birth of the petitioner in the concerned Register.

2. It is case of the petitioner that, he was born on 16-05-2004 at Kaginele, Byadgi Taluk. His parents orally intimated about date of birth of petitioner to the

respondents. However, the respondents have not entered the date of birth of the petitioner in the concerned register. He has applied before the respondents seeking his birth certificate, but the respondents stated that, his birth date is not entered. He required the birth certificate for education purpose. Hence, the petitioner filed the petition seeking direction from this court to enter his date of birth in the concerned Births Register.

3. After filing the petition, notices were issued to the respondents and duly served upon them. In spite of service of notice both the respondents had not chosen to appear before the court and the respondents have been placed *exparte*.

4. In order to prove the case the petitioner stepped into the witness box and examined as PW1 and got marked 3 documents as per Ex.P1 to Ex.P3. Since the respondents have been placed *exparte* there is no cross-examination of PW1 and no respondents evidence.

5. Thereafter heard learned counsel for the petitioner and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the petitioner proves that, his date of birth has not been entered in the

Birth Register maintained by the respondents?

2. What order?

6. The findings on the above said points are as hereunder:

Point No.1 : In the Affirmative.

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

REASONS

7. Point No.1: The petitioner filed the petition under Section 13(3) of Registration of Births and Deaths Act seeking direction to the respondents to enter his date of birth in the concerned Birth Register.

8. In order to substantiate the case the petitioner stepped into the witness box and examined himself as PW1 and got produced 3 documents as Ex.P1 to P3. PW1 got marked endorsement as per Ex.P1. Ex.P2 is the notarized copy of Transfer Certificate of petitioner. The said Ex.P2 goes to show that, the date of birth of petitioner is 16-05-2004. PW1 produced endorsement as per Ex.P1. This document goes to show that, the date of birth of the petitioner is not entered in the records maintained by the respondents. Since the date of birth of the petitioner is not entered in the concerned Birth Register it is now just and necessary to direct the respondents to enter the date of birth of the petitioner in the records maintained by them.

Otherwise it would cause more hardship to the petitioner rather than the respondents. **Accordingly, Point No.1 is answered in the Affirmative.**

9. Point No.2: In view of the reasons discussed above this court proceeds to pass the following:

ORDER

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

Consequently, the respondents are hereby directed to enter the date of birth of the petitioner by name Abdul Sahil Ahamad S/o Mustak Ahamad Ganajur, as 16-05-2004 in the birth records maintained by them, after collecting the necessary late fees and fine if any.

No order as to costs.

(Dictated to the Stenographer directly on computer, then corrected by me and pronounced in open court on this 6th day of March, 2026).

(Rajeshwari.J.Puranik)
Senior Civil Judge and JMFC,
Byadgi.

ANNEXURE

Witness examined on behalf of the petitioner:

PW1 : Sahil Ahamad S/o Mustak Ahamad
Ganajur

Witness examined on behalf of the respondents:

-Nil-

Documents marked on behalf of the petitioner:

- Ex.P1 : Non-availability certificate.
Ex.P2 : Notarized copy of Transfer Certificate.
Ex.P3 : Copy of Ration card of petitioner.

Documents marked on behalf of the respondents: -Nil-

(Rajeshwari.J.Puranik)
Senior Civil Judge and JMFC,
Byadgi.