

KAHV300003552026



**IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE AND
J.M.F.C., AT HANGAL.**

PRESENT : Shri. MAHESH S. PATIL,
B.Sc., LL.B
Prl.Senior Civil Judge & J.M.F.C.,
Hangal.

Dated:- This the 23rd day of June-2026

Crl.Misc.No.64/2026

PETITIONER : Husainsha S/o Abdulgafarsab
Fakkirsabanawar, Age 51 years,
Occu; Business, R/o Balur village,
Hangal Taluk, Haveri District.

(By Sri.A.H.Dandin., Adv.)

V/S

RESPONDENT : 1. The Village Accountant and Birth and
Death Registrar Balur,
Hangal Taluk, Haveri District.
2. The Tahasildar, Hangal,
Hangal Taluk, Haveri District.

(Placed Exparte)

ORDERS

The instant petition has been filed by the petitioner U/Sec.13(3) of Birth and Death Registration Act, 1969 seeking direction to the respondents to enter his date of birth as 01.06.1975 in the concerned Register and to issue the birth certificate.

2. The substance of the petition averments is as under:-

The petitioner by name Husainsha S/o Abdulgafarsab Fakkirsabanawar who allegedly born on 01.06.1975 at Balur village, Hangal Taluk, Haveri District and due to inadvertence, the family members of the petitioner did not register the date of birth and place of birth of the said Husainsha S/o Abdulgafarsab Fakkirsabanawar in the concerned Register. When the petitioner has approached the respondent No.2 to get his Birth Certificate, then the respondent No.2 has issued Non-availability Certificate dated 19.01.2026. Therefore, petitioner has approached this Court by filing the instant petition for appropriate relief. Hence, this petition.

3. Despite of due service of notice, respondents remained absent. Hence, they have been placed exparte.

4. To substantiate the petition averments, petitioner got examined himself as PW.1 and got marked three documents as per Ex.P1 to P3 and closed his side evidence.

5. Heard the arguments of Learned Counsel for the petitioner. Perused petition averments and documents produced and materials available on record.

6. Now, the points arises for the determination of this Court are as follows:

POINTS

1. Whether the petitioner has made out sufficient grounds to allow the petition?
2. What order?
7. My answers to the above points are as follows:
Point No.1 : In the Affirmative
Point No.2 : As per final order for the following:

REASONS

8. **Point No.1:-** The instant petition has been filed by the petitioner under Sec.13(3) of Birth and Death Registration Act, 1969 with a prayer to enter his date of birth as 01.06.1975 in the concerned Register and to issue birth certificate.

9. In order to substantiate the case of the petitioner, he got examined himself as PW.1 by filing affidavit and got marked three documents as per Ex.P1 to Ex.P3. Ex.P1 is the Non-availability Certificate issued by the respondent No.2 dated 19.01.2026, Ex.P2 is the Attested copy of Aadhaar card of the petitioner and Ex.P3 is the school certificate of petitioner. From Ex.P3 it reveals that, the date of birth of petitioner as 01.06.1975. The petitioner is also seeking registration of his date of birth as 01.06.1975.

9(a). It is the contention of the PW.1 that, his Birth certificate is required for obtaining government facilities and his future purpose. In spite of service of notice on the respondents, they did not appear before the Court to challenge the petition averments. The Ex.P2 and 3 remained unchallenged, as such I have no reason to disbelieve Ex.P2 and 3 and the oral evidence of the PW.1. In view of the same, the petitioner is entitled to the relief sought in this petition. **Accordingly, I have answered Point No.1 'in Affirmative'.**

10. Point No.2:- For the reasons stated while discussing Point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner U/Sec.13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

Respondents are hereby directed to enter in the concerned register of their office, on collecting necessary fees, the date of birth of the petitioner by name **Husainsha S/o Abdulgafarsab Fakkirsabanawar** who born on **01.06.1975** at **Balur village, Hangal Taluk, Haveri District.**

Further the respondents are directed to put a note in the remarks column of the birth certificate to be issued to the petitioner about the entry of the date of birth of the petitioner is made as per the orders of the Court in Criminal Miscellaneous No.64/2026.

(Dictated to Stenographer directly on computer, corrected by me and then pronounced it in open Court on this 23rd day of June-2026).

(SRI.MAHESH S. PATIL)
Prl.Senior Civil Judge, & J.M.F.C.
Hangal.

ANNEXURE1. Witnesses examined on behalf of the petitioner :-

PW1 : Husainsha S/o Abdulgafarsab
Fakkirsabanawar,

2. Documents marked as Exhibits for the petitioner :-

Ex.P1 : Non-availability certificate.
Ex.P2 : Attested copy of Aadhaar card of
petitioner.
Ex.P3 : School certificate of petitioner.

3. Witnesses examined on behalf of the Respondent:

- NIL -

4. Documents marked as Exhibited for the Respondent:

- NIL -

Prl.Senior Civil Judge, & J.M.F.C.
Hangal.