

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

Dated this the 31st day of August , 2021

**Present: Sri Naveena H.K. LL.M.,
XXV Addl. Chief Metropolitan Magistrate,
Bangalore.**

CrI.MISC.No.2966/2021

Petitioner :	B.M.Likith Kumar, S/o.Manoj Kumar and Sulochana Rep. By Manoj Kumar S/o.B.Babu Rao, Aged 54 years, R/at.No.95, 1 st floor, Dispensry Road, Bangalore 560 001. (By V.P - Advocate) - Vs -
Respondent :	The Commissioner, Registrar of Births & Death BBMP, Bengaluru.

ORDER

The Petitioner has filed the petition U/s.13(3) of Birth and Death Registration Act, 1969.

2. Brief facts of the Petitioner case is as follows :

It is the case of the Petitioner that his son B.M.Likith Kumar S/o.Manoj Kumar.B. and Smt.Sulochana.M was born on 25.08.2005 at No.95, 1st floor, Dispensry Road, Bangalore 560 001. Due to lack of legal procedure, the date of birth of the Petitioner's son is not intimated to concerned authority. The said fact has come to the knowledge of the Petitioner recently. The petitioner required the birth certificate for documentation purpose. Immediately, the Petitioner approached the Respondent to issue

the certificate. The Respondent has issued non-availability certificate. Therefore, the Petitioner is constrained to file the petition.

3. The notice served to the Respondent. The Respondent failed to appear before the court and not filed any objection. Therefore, the Respondent is placed exparte.

4. Now, the following points arise for due consideration. :

1. Whether the Petitioner has made out sufficient grounds to allow the petition?

2. What order?

5. My findings on the above point is in the “Affirmative”, for the following :

: REASONS :

6. Point No.1 : The Petitioner has filed the petition against the Respondent U/s.13(3) of Birth and Death Registration Act. The Petitioner has contended that his son was born on 25.08.2005 at No.95, 1st floor, Dispensary Road, Bangalore 560 001. It is further contended that the fact of birth is not reported to the Respondent due to lack of legal procedure. In support of the petition contention, the Petitioner himself examined as PW 1 and reiterated the petition averments. The Respondent has not chosen to file objections. Therefore, the oral evidence of PW 1 remains unchallenged.

7. In support of the oral evidence, the Petitioner has produced the certified copies of the Aadhaar Cards and the School Certificate as Ex.P.2 to Ex.P.4. The document reveals the date of birth of the petitioner's son as 25.08.2005. Admittedly, the date of birth is not mentioned in the concerned register. The

Commissioner has issued non-availability certificate. That document is marked as Ex.P.1.

8. The birth of the **Petitioner's son** is not in dispute. The date of birth was not mentioned in the concerned register. The Petitioner has given specific explanation for non-reporting the said fact. In such circumstances, the Petitioner has proved the petition averments. There is no ground to reject the Petitioner contention. Therefore, the Petitioner has made out sufficient grounds to allow the petition. Accordingly, my answer to Point No.1 is in the Affirmative.

9. Point No.2: In view of aforesaid reasons, I proceed to pass the following:

ORDER

***The petition filed by the Petitioner U/S
13(3) Registration of Birth and Death Act
is hereby allowed.***

***The respondent is hereby directed to
enter the birth of **Petitioner's son**
B.M.Likith Kumar S/o.Manoj Kumar.B.
and Smt.Sulochana.M R/at No.95, 1st
floor, Dispensry Road, Bangalore 560 001
as **25.08.2005 and issue birth certificate**
thereon to the Petitioner after collecting
late requisite fee.***

(Dictated to the Stenographer directly on the computer and print out taken by her, corrected and signed by me and then pronounced in the open Court on this the 31st day of August , 2021).

(NAVEENA H.K.)
XXV A.C.M.M., BANGALORE.

ANNEXURE**List of Witnesses examined for the Petitioner :**

PW.1 : Manoj Kumar.B.

List of Witness examined for the Respondent :

Nil

List of Documents marked for the Petitioner :

Ex.P1 : Endorsement issued by the Commissioner, BBMP.

Ex.P2&3 : C.C. of Aadhaar Cards.

Ex.P4 : C.C. of School Certificate.

List of Documents marked for the Respondent :

Nil

(NAVEENA H.K.)

XXV A.C.M.M., BANGALORE.

