

KABK210020542022



Presented on : 20-10-2022
Registered on : 20-10-2022
Decided on : 28-11-2022
Duration : 0 years, 1 months, 8 days

IN THE COURT OF ADDL. CIVIL JUDGE & J.M.F.C, MUDHOL,

AT: MUDHOL.

PRESENT:

Smt. SARASWATI HOTAKAR,

LL.B., LL.M.,
Addl. Civil Judge & JMFC., Mudhol.

Dated this the 28th day of November - 2022

Crl. Misc. No.195/2022

Petitioner/s:

1. Priay D/o. Hanamanth Sulibhavi,
Age: 25 years, Occ: Private work,
R/o. Nagaral, Tq: Mudhol, Dist: Bagalkote.
Now at Basava Bhavan, Vishweshwarayya Park,
Suchitan Hospital back side, Davanagere.

(By Sri HKB, Advocate)

- Vs -

Respondent/s:

1. The Tahashildar,
Mudhol, Dist: Bagalkote.
2. The Village Accountant,
Junnur, Tq: Mudhol, Dist: Bagalkote

(Absent)

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: O R D E R :

This petition is filed by the petitioner U/Sec. 13(3) R/w. Section 10 (3) (B) of Registration of Birth and Death Act, 1969 and prays this Court for directing the respondent Nos.1 and 2 to register the date of birth of petitioner by name Priya D/o. Hanamanth Sulibhavi, as born on 10.09.1997 at Nagaral village, Mudhol Taluk, Bagalkote District.

2. This Court had issued notice to the respondents, in spite of sufficient service of the notice, respondents remained absent. Hence, respondents are placed ex-parte and case was posted for petitioner's evidence.

3. To prove his case, the petitioner filed affidavit in lieu of examination in chief for herself and examined herself as PW.1 and got marked Ex.P.1 to Ex.P.3 documents and closed her side.

4. Heard arguments of the learned counsel for petitioner.

5. Following points would arise for my consideration:

1. Whether the petition filed by the petitioner U/s 13(3) R/w. Sec.10(3) (B) of Registration of Birth and Death Act, 1969 deserves to be allowed?
2. What Order?

6. After hearing arguments and perusing oral and documentary evidence placed before me, my findings on the above points are as under:

Point No.1 : In the affirmative;

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

: R E A S O N S :

7. **Point No.1:** The petitioner has filed present petition before this Court to direct the respondent No.1 and 2 to register the date of birth of petitioner by name Priya D/o. Hanamanth Sulibhavi, as born on 10.09.1997 at Nagaral village, Mudhol Taluk, Bagalkote District. In order to prove her case, the petitioner examined herself as P.W.1 and she has filed the affidavit in lieu of her examination-in-chief and reiterated the petition averments. The P.W.1 produced Non-availability certificate issued by the respondent No.1, which is marked as Ex.P.1, copy of SSLC marks card as per Ex.P.2 and copy of adhar card as per Ex.P.3. On perusal of documents, Ex.P.1 discloses that, the date of birth of petitioner is not entered in the Birth Register maintained by the respondents. On perusal of Ex.P.2 and Ex.P.3, it discloses that, the date of birth of petitioner is mentioned as 10.09.1997. By perusal of entire records, none have appeared and opposed the present petition. Hence, the

evidence of P.W.1 remained unchallenged and there are no reasons to disbelieve the same. Sec.13(3) of the Karnataka Registration of Birth and Death Act, 1969 provides for delayed registration. Petitioner has proved that, her date of birth is not registered in the office of respondents. Hence, the petition filed by the petitioner deserves to be allowed. Hence, for the above discussion, I answered the above point in the affirmative.

8. **Point No.2:** In view of my findings on point No.1 and reasons stated therein, I proceed to pass the following:

: O R D E R :

Petition filed by the petitioner is hereby allowed.

Respondents are hereby directed to register the date of birth of petitioner by name Priya D/o. Hanamanth Sulibhavi, as born on 10.09.1997 at Nagaral village, Mudhol Taluk, Bagalkote District.

Issue birth certificate to the petitioner after collecting the requisite fee in accordance with the law.

(Dictated to the typist directly on computer, typed by her, corrected and then pronounced by me in the open court on 25th day of November - 2022)

(Smt. SARASWATI HOTAKAR)
Addl. Civil Judge and JMFC, Mudhol.

: A N N E X U R E :**List of witness examined on behalf of petitioner/s:**

PW.1 : Priya D/o. Hanamanth Sulibhavi

List of documents exhibited on behalf of petitioner/s:

Ex.P.1 : Non-availability Certificate

Ex.P.2 : Copy of SSLC marks card

Ex.P.3 : Copy of adhar card

List of witness examined on behalf of respondent/s:

: -NIL-

List of documents exhibited on behalf of respondent/s:

: -NIL-

(Smt. SARASWATI HOTAKAR)
Addl. Civil Judge and JMFC, Mudhol.

(Order Pronounced in the open court vide in separate order sheet)

ORDER

Petition filed by the petitioner is hereby allowed.

Respondents are hereby directed to register the date of birth of petitioner by name Priya D/o. Hanamanth Sulibhavi, as born on 10.09.1997 at Nagaral village, Mudhol Taluk, Bagalkote District.

Issue birth certificate to the petitioner after collecting the requisite fee in accordance with the law.

(Smt. SARASWATI HOTAKAR)

Addl. Civil Judge and JMFC, Mudhol.