



IN THE COURT OF THE SENIOR CIVIL JUDGE AND
J.M.F.C., AT SAKALESHPUR

-:: PRESENT ::-

SRI. JAYAPRAKASH V., B.A. L.L.B.,
SENIOR CIVIL JUDGE & JMFC,
SAKALESHPUR

:Crl.Misc.33/2026:

DATED THIS THE 01st DAY OF JULY, 2026

Petitioner :

Mrs.Saleena,
D/o Mahammad Kutti,
Aged about 47 years,
R/o Kudugarahalli,
Sakaleshpura Taluk,
Hassan District.

(By Sri.P.K. Advocate)

Vs.

Respondent/s:

Chief Officer,
Town Municipal Council,
Sakaleshpura.

(Exparte)

KAHS800005992026

**::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 **15-06-1979**, born in a residential house situated at **Sakaleshpura**, in the register maintained by the respondent.

2. The brief facts of the case of the petitioner is as under :-

The petitioner has been born on **15-06-1979** in a **residential house situated at Sakaleshpura**. The parents of the petitioner have informed the said fact to the concerned respondent office but they have not entered the same in the concerned register maintained by the respondent. The birth certificate of petitioner is necessary to obtain the facilities provided by the government and to make corrections in some documents. The petitioner has approached the respondent for obtaining her birth certificate. But the respondent has issued non availability certificate on 28-04-2026 by stating that, there is no entry of her date of birth. Hence, she has filed present petition.

KAHS800005992026



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

4. Heard and perused the materials on record.

5. The petitioner herein in order to prove the averments of the petition has got herself examined as PW.1 and has reiterated the contents of the petition averments by filing her affidavit in lieu of examination-in-chief and got marked Ex.P-1 to Ex.P-3 documents.

6. The following points arise for the determination.

1. Whether the petitioner has made out grounds for issue directions as sought in the petition ?

2. What order?

7. My answer to the above points are under

Point No.1 : In the Affirmative

Point No.2 : As per final order

for the following:

KAHS800005992026

**::REASONS::****Point No.1:-**

8. It is contended by the petitioner that, she has been born on **15-06-1979 in a residential house situated at Sakaleshpura**. The parents of the petitioner have informed the said fact to the concerned respondent office but they have not entered the same in the concerned register maintained by the respondent. The birth certificate of petitioner is necessary to obtain the facilities provided by the government. The petitioner has approached the respondent for obtaining her birth certificate. But the respondent has issued non availability certificate by stating that, there is no entry of her date of birth. In order to prove her contention, she has produced documents at Ex.P-1 non availability certificate, Ex.P-2 is the notarized copy of Aadhaar card and Ex.P-3 is the notarized copy of transfer certificate.

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

KAHS800005992026



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 her date of birth is not entered in the birth register. Ex.P3 disclose that her date of birth is 15-06-1979. Further, the petitioner has averred that the birth certificate is required to obtain the facilities provided by the government, 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

KAHS800005992026



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.**

Point No.2:-

11. 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 **Saleena D/o Mahammad Kutti** as **15-06-1979** in a **residential house situated at Sakaleshpura** in the concerned records

KAHS800005992026



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.

No order as to costs.

(Orders dictated to the stenographer on-line computer, computerized by her, revised, corrected and then pronounced by me in open court on this 01st day of July, 2026)

(JAYAPRAKASH.V),
Senior Civil Judge & J.M.F.C.,
Sakaleshpura.

KAHS800005992026



ANNEXURE

1. List of witnesses examined on behalf of Petitioner:

PW.1 : Mrs.Saleena

2. List of documents marked on behalf of Petitioner:

Ex.P1 Non-availability certificate

Ex.P2 Notarized copy of Aadhaar card

Ex.P3 Notarized copy of the transfer certificate

(JAYAPRAKASH.V),
Senior Civil Judge & J.M.F.C.,
Sakaleshpura.