

KAKB220007232026



THE COURT OF THE PRL. CIVIL JUDGE AND J.M.F.C., AT :
ALAND

Dated this 15th day of April 2026

Miss. Suman Chitargi,
B.Com., L.L.M.,
Prl. Civil Judge and JMFC, Aland.

Cri.Misc.No.596/2026

Petitioner :

Mehboob Ali Ismail Shaikh S/o Ismail Shaikh,
Age: 69 yrs, Occ: Privet Work,
R/o Aland, Tq:Aland, Dist: Kalaburagi.
Now at Present 1/305, 3rd Floor, Shree sunder
Kamala Nagar, CHS LTD, Extension Bhaudaji
Road Near King Circle Station, Sion East Sub
Dist: Mumbai

[By Sri. S.Keramagi, Advocate]

Respondent :

The Registrar of Birth and Death through
The Chief Officer TMC Tq: Aland, Dist: Kalburagi.

(Ex.Parte)

ORDER

This is Petition U/sec.13(3) of the Registration of Births and Deaths Act 1969.

2. **The case of the petitioner in brief is as under:**

Petitioner is permanent resident at Aland, and at the time of his birth his family members residing in Aland. Further stated that

he was born on 14-05-1956 at Aland, Tq. Aland, Dist. Kalaburagi. Due to oversight, the said event was not registered in the register of Births and Deaths maintained by the Respondent. Now he needs the Birth certificate for obtaining Education, Passport and Govt. Benefits etc. he applied to respondent for issuance of birth certificate. But respondent issued endorsement stating the non-entry of his birth in the concerned register. Hence, this petition.

3. Notice of the Petition was served to the Respondent. But he remained absent. Hence, he was placed ex.parte.

4. Petitioner in order to prove his case he examined himself as PW-1. He produced documents which is marked as Ex.P1 and 2.

5. Heard the learned counsel for the Petitioner. Perused the materials on records.

6. On the basis of the assertions of Petitioner, the following points arise for consideration:

1. Whether the petitioner has made out grounds to allow the petition as prayed for ?

2. What order?

7. The answer to the above said points are as under:

Point No.1 : In the Affirmative.

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

REASONS

8. **Point no.1:-** PW1 has filed affidavit in lieu of chief examination and deposed in line with the petition averments. He produced documents marked at Ex.P1 and P2. Ex.P1 is the non-availability certificate issued by Respondent, Ex-P2 is the School

Transfer Certificate. The above said oral and documentary evidence corroborates the claim of PW-1 about date of birth and its non-entry in the concerned register. Thus, he has discharged the initial burden placed on him.

9. In spite of service of notice to the Respondent, he has not appeared and contested the claim of PW-1. Hence, the say of PW-1 has gone unchallenged. Even otherwise the oral and documentary evidence produced by the Petitioner proves the date of birth and its non-registration in the concerned register. No reason is made out to disbelieve the assertion of PW-1. *Further it is important to note that in the decision reported in ILR 2003 page No.4878 Hon'ble S.C. has held that death or birth event prior to 1969 enactment can be registered by the order of the court.* Hence, a direction is necessary to be issued to the Respondent to register the date of birth of the Petitioner in the concerned register, or else he will be put to great hardship. Hence, **Point No.1 is answered in the Affirmative.**

10. **Point no.2:** - In view of the above discussion, the following:

ORDER

The petition filed U/sec 13(3) of the Registration of Births and Deaths Act, is hereby allowed.

The respondent is directed to enter the date of birth of petitioner namely Mehboob Ali Ismail Shaikh S/o Ismail Shaikh on 14-05-1956 at Aland, Tq. Aland, Dist.

Kalaburagi, in the concerned records and issue Birth Certificate to the petitioner after collecting prescribed fees.

It is clarified that this order shall not be conclusive proof regarding date of birth of petitioner namely Mehboob Ali Ismail Shaikh S/o Ismail Shaikh on 14-05-1956 at Aland, Tq. Aland, Dist. Kalaburagi, if it is disputed in any civil or criminal proceedings.

No order as to costs.

(Dictated to the Typist directly on computer, typed by her, corrected by me, then pronounced by me in the open court this the 15th day of April-2026).

**(Suman Chitargi)
Prl. Civil Judge and JMFC,
Aland.**

: ANNEXURE:

Witnesses examined for the Petitioner:

PW-1 : Mehboob Ali Ismail Shaikh S/o Ismail Shaikh

Witnesses examined for the Respondent:

- Nil-

Documents marked for the Petitioner:

Ex.P.1 : Non-Availability Certificate

Ex.P.2 : School Transfer Certificate.

Documents marked for the respondent:

- Nil-

**(Suman Chitargi)
Prl. Civil Judge and JMFC,
Aland.**

(Order pronounced in the open court vide separate order)

ORDER

The petition filed U/sec 13(3) of the Registration of Births and Deaths Act, is hereby allowed.

The respondent is directed to enter the date of birth of petitioner namely Mehboob Ali Ismail Shaikh S/o Ismail Shaikh on 14-05-1956 at Aland, Tq. Aland, Dist. Kalaburagi, in the concerned records and issue Birth Certificate to the petitioner after collecting prescribed fees.

It is clarified that this order shall not be conclusive proof regarding date of birth of petitioner namely Mehboob Ali Ismail Shaikh S/o Ismail Shaikh on 14-05-1956 at Aland, Tq. Aland, Dist. Kalaburagi, if it is disputed in any civil or criminal proceedings.

No order as to costs.

Prl. Civil Judge and JMFC, Aland