

KAKB220007282026



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

Dated this 21st day of April 2026

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

Crl.Misc.No.601/2026

Petitioner :

Shabana D/o Moula Sab Shaikh
(W/o Mohammed Elyas Shaikh)
Age: 46 yrs, Occ: Household,
R/o Matki Road, Aland Tq: Aland, Dist. Kalaburagi
now present R/o Kokari Agar Garib Nawaz Janager,
S.M.Road, Opp: Masjid, Sion Koliwada Antop Hill
Church, Mumbai.

[By Sri.Devanand H.Hodlurkar, Advocate]

Respondent :

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

(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 Matki Road, Noorani Mohalla, Aland, Dist. Kalaburagi-585302 and at the time of her birth her family members residing in Matki Road, Noorani Mohalla, Aland, Dist. Kalaburagi , Further stated that she was born on 20.05.1979 at Home, Matki Road, Noorani Mohalla, Aland, Aland, Dist. Kalaburagi. Due to oversight, the said event was not registered in the register of Births and Deaths maintained by the Respondent. Now she needs to Birth certificate for obtaining Govt. benefits etc. She applied to respondent for issuance of birth certificate. But respondent issued endorsement stating the non-entry of her birth in the concerned register. Hence, this petition.

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

4. Petitioner in order to prove his case has examined herself as PW-1. She 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. She produced documents marked at Ex.P1 and Ex.P2. Ex.P1 is the non-availability certificate issued by Respondent, and Ex.P-2 is the Pan Card. 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, she has discharged the initial burden placed on her.

9. In spite of service of notice to the Respondent, she 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. 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 Shabana D/o Moula Sab Shaikh on 20.05.1979 at Home in Matki Road, Noorani Mohalla, Aland, Dist. Kalaburagi-585302, 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 Shabana D/o Moula Sab Shaikh on 20.05.1979 at Home in Matki Road, Noorani Mohalla, Aland, Dist. Kalaburagi-585302, 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 21st day of April-2026).

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

: ANNEXURE:

Witnesses examined for the Petitioner:

PW-1 : Shabana D/o Moula Sab Shaikh

Witnesses examined for the Respondent:

- Nil-

Documents marked for the Petitioner:

Ex.P.1 : Non-Availability Certificate

Ex.P.2 : Pan Card

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 Shabana D/o Moula Sab Shaikh on 20.05.1979 at Home in Matki Road, Noorani Mohalla, Aland, Dist. Kalaburagi-585302, 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 Shabana D/o Moula Sab Shaikh on 20.05.1979 at Home in Matki Road, Noorani Mohalla, Aland, Dist. Kalaburagi-585302, if it is disputed in any civil or criminal proceedings.

No order as to costs.

PrI. Civil Judge and JMFC, Aland