

**IN THE COURT OF CIVIL JUDGE & J.M.F.C., CHITTAPUR**

**Present**

**SRI. ABHISHEK RAMACHANDRA JOSHI**  
**B.A.L., LL.B.**  
**Civil Judge & JMFC,**  
**Chittapur**

**Crl.Misc.No.50/2026**

**DATED: THIS THE 23<sup>rd</sup> DAY OF MARCH 2026**

**PETITIONER:**

Madiha Tahreen D/o Ismail, Age: 17  
years, (U/G of her natural mother  
Sahida Begum W/o Ismail, Age: 37  
years, Occ: Coolie, R/o Mudbul  
village, Tq: Chittapur, Dist:  
Kalaburagi

**(By Smt. Geeta K., Advocate)**

**// Versus //**

**RESPONDENT:**

The Registrar Birth & Death,  
Tahasil office Chittapur,  
Tq: Chittapur, Dist: Kalaburagi

**(Exparte)**

**ORDERS ON PETITION FILED U/S 13 (3) OF  
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

This petition is filed U/s 13 (3) of the Karnataka Births and Deaths Registration Act 1969, by Madiha Tahreen D/o Ismail through her guardian/mother by name Sahida Begum W/o Ismail.

2. **Brief facts:-** That, minor petitioner was born on 07.06.2008 at Mudbool village, Tq: Chittapur, Dist: Kalaburagi. The minor petitioner's mother informed to the concerned authority as to the registration of date of birth of the minor petitioner to the concerned records, but the respondent has not registered the birth record. The mother of the minor petitioner approached the respondent and sought the birth certificate, but the respondent expressed his inability and has issued non availability certificate to that effect on 27.01.2026. The minor petitioner requires the birth certificate of her educational purpose and Government facilities. Hence, this petition.

3. In spite of service of notice, the respondent remained absent. Hence he placed Exparte.
4. The minor guardian of the petitioner i.e., her mother is examined herself as PW.1 and in her evidence she got marked 4 documents at Ex.P.1 to Ex.P.4.
5. Heard the arguments. Perused the records.
6. The point that would arise for my consideration is;

***“Whether the prayer made in the  
petition can be granted?”***

7. I answer the above point in **Affirmative** for the following.

**REASONS**

8. It is the case of petitioner is that, the minor petitioner's mother informed about the birth of minor petitioner to the respondents, but the respondents have not registered the same in the birth records. The petitioner was born on 07.06.2008 at Mudbul village, Tq; Chittapur, Dist: Kalaburagi. The petitioner's mother approached the

respondent and sought for issuance of birth certificate, for which the respondent authorities have given non-availability certificate as per Ex.P.2, stating that there is no entry in the register of birth in respect of petitioner's birth. Hence, the petitioner approached the Court.

9. The minor petitioner's mother examined as PW.1 and in her evidence she reiterated the facts stated in the petition and got marked Ex.P1 is the application and non-availability certificate i.e., Ex.P.2. Ex.P.3 is the notarized copy of transfer certificate, Ex.P.4 is the notarized copy of Aadhaar Card.
10. The minor petitioner was born on 07.06.2008 at Mudbul village, Tq: Chittapur, Dist: Kalaburagi. On perusal of the entire case records, it reveals that, the respondent has not appeared before this Court and placed Ex-parte. The evidence of the PW.1 remained unchallenged. Hence, I have no reason to disbelieve the evidence of PW.1. On perusal of Ex.P.2 and evidence, I

am satisfied that, there is no entry of birth date of petitioner in the respondent Office. It is well settled proposition of law that, a petition for birth entry has to be entertained, if certain facts proved. Hence, it is necessary to direct the respondent to issue the birth Certificate of minor petitioner **Madiha Tahreen D/o Ismail**. However, this inference is not the conclusive proof of relationship or birth if the birth is disputed in any Civil or Criminal proceedings. In the light of these discussions, I answer the Point No.1 in the affirmative and pass the following order;

**ORDER**

The petition filed by the petitioner under Section 13 (3) of Registration of Births and Deaths Act, is hereby allowed.

The respondent is directed to enter the date of birth of petitioner **Madiha Tahreen D/o Ismail as 07.06.2008**, in

the concerned register and issue birth certificate accordingly, subject to payment of prescribed fee and penalty.

(Dictated to the Stenographer directly on Computer and typed by her, corrected and then pronounced by me in open court on this the 23rd day of March-2026)

**(ABHISHEK RAMACHANDRA JOSHI)**  
**Civil Judge & JMFC.,**  
**Chittapur**

**ANNEXURE****LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONER:**

PW.1 : Sahida Begum W/o Ismail

**LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT:**

-NIL-

**LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONER:**

Ex.P.1 : Application

Ex.P.2 : Non-availability certificate.

Ex.P.3 : Notarized attested Transfer certificate

Ex.P.4 : Notarized attested copy of Aadhaar Card.

**LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT:**

-NIL-

**C.J. & J.M.F.C., Chittapur**

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