



IN THE COURT OF CIVIL JUDGE AND J.M.F.C., SEDAM

PRESENT: Sri. Balu
B.A., LL.B.,
 Civil Judge & JMFC, Sedam.

Dated this the 26th of March-2026

Criminal Misc. No.3208 of 2025

PETITIONER:

Mahibub Khan S/o Ibrahim Khan
 Age:77 years, Occ:Agriculture
 R/o Kadtal village,
 Tq: Sedam, Dist:Kalaburagi.

(By Sri. A.S.K., Advocate)

//Vs.//

RESPONDENT:

The Tahasildar Sedam, Tq: Sedam and
 Registrar of birth and death

:O R D E R S:

The petitioner has filed present petition U/Sec.13(3) of Registration of Birth and Deaths Act, 1969 seeking an order of direction to the respondent to make entry in regard to his date of birth in the concerned birth register.

2. Brief facts of petitioner case:-

It is averred in the petition that the petitioner by name Mahibub Khan S/o Ibrahim Khan born on 01.01.1948 at petitioner house Kadtal village in Sedam Taluka. The petitioner's parents could not informed the said birth event to the respondent office. Therefore, the name and his birth date was not entered in the Birth Register of respondent. Now the birth certificate of his is



required for the purpose of Passport, Aadhar card correction, Government benefit and other purpose. The petitioner has requested the respondent office to issue birth certificate. After due enquiry the respondent has given non availability certificate stating that the date of birth of his is not entered in the concerned Birth Register. Therefore, petitioner constrained to file this petition.

3. After institution of this petition notice is issued to the respondent, reported as served, remained absent.

4. In order to prove his case petitioner himself examined as PW.1 and got marked Ex.P.1 to P.3 documents.

5. Heard arguments of Learned Advocate for petitioner.

6. Perused the materials of this petition.

7. The point that arise for the consideration of this court is as here under:-

1. **Whether the petitioner has made out grounds to allow the petition?**

2. **What order?**

8. My answer to the point No.1 is in the Affirmative and for point No.2 as per final order for the following:-

:R E A S O N S:

9. **Point No.1:-** This is a petition filed by the petitioner



U/Sec.13(1) Birth and Death Registration Act 1969 seeking order from this court to issue direction to the respondent to enter his date of birth in the concerned birth register of respondent. The petitioner has stepped into witness box and examined as PW.1. The said witness has also deposed that due to unavoidable circumstances his parents could not managed to enter the said birth event to the respondent office. The petitioner has produced Non-availability certificate which is marked as Ex.P.1 and it discloses that the birth event of petitioner was not entered in the Birth Registrar of respondent. The petitioner has also produced Notarized copy of Aadhar card which is compared with the original and returned the original to the petitioner at the time of evidence and the copy of Aadhar card is marked as Ex.P.2. Age certificate is marked as Ex.P.3. In Ex.P.2 it has been mentioned the date of birth of petitioner as 01.01.1948. The entire evidence of PW.1 remained unchallenged. There is no contra materials available as to disbelieve the case of the petitioner. The petitioner himself has admitted that due to unavoidable circumstances petitioner parents could not register the birth event. Therefore as per provision of Sec.13(3) of Birth and Deaths Register Act 1969 as provided by law the respondent authority is competent authority to make entry of birth of the petitioner by obtaining order of this court. Therefore as provided by law it is just and necessary to order directing the respondent authority who in turn shall make date of birth of petitioner in the birth register by collecting late fees as provided by law. Therefore, in the opinion of this court the petitioner has made out ground to allow the petition. Therefore, Point No.1 is answered



in the **Affirmative.**

10. Point No.2:- For the reasons stated herein above, I proceed to pass the following:-

:ORDER:

The petition filed under Section 13(3) of Registration of Birth and Deaths Act, 1969 is hereby allowed.

*The respondent office is hereby directed to make entry in regard to birth of petitioner by name **Mahibub Khan S/o Ibrahim Khan** who was born on **01-01-1948** at **petitioner's house Kadatal village**, Sedam Taluka after collecting necessary late fees if any from petitioner.*

Looking to the facts and circumstances of the petition no order as to costs.

(Directly dictated to the Stenographer on computer script, Computerized by her, corrected and then pronounced by me in the open court on this the 26th day of March-2026)

**Sd/-
(Balu)
C.J. & JMFC, Sedam.**

ANNEXURE

List of witnesses examined on behalf of Petitioner:

PW.1 : Mahibub Khan S/o Ibrahim Khan

List of exhibits marked on behalf of Petitioner:

Ex.P.1 : Non-availability certificate issued by the
Tahashildar Sedm
Ex.P.2 : Notarized copy of Aadhar card
Ex.P.3 : Age certificate

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List of witnesses examined on behalf of Respondent:

- N I L -

List of witnesses and exhibits marked on behalf of Respondent:

- N I L -

Sd/-
(Balu)
C.J. & JMFC, Sedam.
