

IN THE COURT OF THE CIVIL JUDGE & JMFC., VIRAJPET.

P R E S E N T

**SMT.SHARMILA KAMATH. K, B.A., LL.M.,
Civil Judge & JMFC.,**

Dated this the 8th day of July 2016.

Cr.M.C.No: 116/2016

PETITIONER: Smt. Neelamma P.K. W/o Kuttappa P.N.
Aged 42 years, R/at Karada Village and
Post, Madikeri Taluk.

(By Pleader Smt.B.D.G. Virajpet).

Vs.

RESPONDENT: The Tahsildar, Virajpet Taluk.

(By Addl. Govt. Pleader, Virajpet).

**ORDERS ON APPLICATION FILED U/S 13(3) R/W SECTION 8
OF REGISTRATION OF BIRTHS AND DEATHS ACT 1969.**

The petitioner has filed this petition U/Sec. 13(3) R/w Section 8 of the Registration of Births & Deaths Act praying to direct the respondent to register the date of birth of petitioner's daughter by name ***Vrusha Dechamma P.K*** as ***03-04-2006*** and to issue birth certificate.

2. The petition averments briefly stated as follows:

That the petitioner's daughter by name ***Vrusha Dechamma P.K*** was born ***03-04-2006*** at ***Betoli Village***, Virajpet Taluk of Kodagu District. That due to lack of knowledge petitioner did not inform the date of birth of her daughter to the respondent. The petitioner requires the birth

certificate of her daughter for bona fide purpose. When the petitioner applied for the birth certificate, the Respondent issued non-availability certificate stating that there is no such entry regarding the date of birth in the concerned register of birth. Hence on these ground petitioner prays allow this petition.

3. After service of notice to the respondent, the respondent entered appearance through AGP and filed objection, which is briefly stated as follows:

4. He has denied that petitioner was not aware of and ignorant of law. He further submitted that, it is the duty of the petitioner to enter the name with the concerned officer within the period specified under law. He further contended that, the petitioner's ignorance of law is no excuse under law. Therefore, A.G.P. for Respondent contends that the petition is not maintainable under law. Hence, prays for dismissal of this petition.

5. In order to prove the case of the petitioner examined as PW-1 and documents ExP.1 to 3 are marked. The Respondent has not stepped into the witness box and also not produced any documents.

6. I heard the arguments.

7. The point that arise for my consideration are :

1. Whether the petitioner has made out sufficient ground to allow the petition filed U/s 13(3) R/W 8 of Registration of birth and death Act ?

2. What Order ?

8. My finding on the above points are ;

Point No.1 : In the Affirmative

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

REASONS

POINT NO.1:-

9. The petitioner in the Petition as well as in the affidavit filed in examination chief stated that her daughter by name **Vrusha Dechamma P.K** born on **03-04-2006** at **Betoli Village**, Virajpet taluk. PW-1 stated that due to lack of knowledge she didnot inform date of birth of her daughter to concerned authority. She further deposed that she requires her daughters birth certificate for the purpose of securing passport. The petitioner has produced the document Ex.P.1 non availability certificate to show that when she applied for the birth certificate of her daughter then the respondent issued this by stating that there is no such entry regarding the date of birth of petitioners daughter in concerned register. The petitioner is produced document Ex.P.2 notarized attested true copy of Study certificate wherein the date of birth of petitioner's daughter is mentioned as **03-04-2006**. Ex.P.3 is Adhar card notarized true copy. he oral evidence of PW-1 which is supported by documents Ex.P.1 to Ex.P.3 is sufficient to hold that the date of birth of petitioners daughter **Vrusha Dechamma P.K** on **03-04-2006** and the same has not been entered in the concerned register of the respondent. Hence the petitioner deserves to be allowed. Accordingly I answer point No.1 in the **Affirmative**.

POINT NO.2:-

10. In view of the above findings, I proceed to pass the following...

ORDER

The petition filed U/Sec. 13(3) R/w Section 8 of Registration of Births & Deaths Act is hereby allowed.

The respondent is directed to enter the date of birth of petitioner's daughter by name ***Vrusha Dechamma P.K D/o Kuttappa P.N. and Smt.Neelamma P.K.*** as ***03-04-2006*** in the register of birth and further directed to issue birth certificate to the petitioner after collecting prescribed fee from the petitioner.

(Dictated to the Typist directed to the computer and then corrected and pronounced by me in the open Court, this the 8th day of July 2016)

Sd/- xxx

(SHARMILA KAMATH K.)
Civil Judge & JMFC.,
VIRAJPET.

ANNEXURES

1. Witnesses examined on behalf of the petitioner :

PW.1 ***Neelamma P.K.***

2. List of documents marked on behalf of the petitioner :

Ex.P.1	Non availability Certificate.
Ex.P.2	Certified copy of Study Certificate
Ex.P.3	Certified copy of Adhar Card

Sd/- xxx

Civil Judge & JMFC.,
VIRAJPET.