



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

**PRESENT: Sri. Vishwanath.A.** B.B.A., LL.B.,  
C/c Addl. Civil Judge & JMFC.,  
Virajpet.

**DATED THIS THE 27<sup>th</sup> DAY OF JUNE 2026**

**Crl.Misc.No.121/2026**

**BETWEEN :**

Sri. Alavi.P.M,  
Aged about 64 years,  
S/o Late Mohammed,  
R/o Kottoli Village,  
K.Boikeri Post,  
Virajpet Taluk,  
Kodagu District

....Petitioner  
(By Sri.C.A.Yousuf, Adv.,)

**AND :**

The Tahasildar,  
Virajpet Taluk.

....Respondent  
(By Sri.Dhananjaya Kumar.K, Learned A.G.P.)

**ORDERS ON MAIN PETITION**

This petition is filed by the petitioner under Section 13(3) of Registration of Birth and Death Act, 1969, seeking directions to the respondent authority to enter the date of birth of the petitioner by name Alavi.P.M S/o Late Mohammed and Ayisha, who was born on 05.04.1962 at Kottoli Village, Virajpet Taluk, Kodagu District in the concerned register maintained by its office.

**2.** After registration of the above petition, notice was issued to the respondent. The respondent appeared before the court through Asst. Government Pleader and filed statement of objections stating



that it is duty of the petitioner to get entered his name with the concerned office within the time prescribed under the law. Ignorance of law cannot be excused. On these grounds, respondent seeks for dismissal of the petition.

**3.** The points that arise for consideration of the above petition are as under:

**1. Whether the petitioner has made out grounds for issuance of directions as sought in the petition?**

**2. What order?**

**4.** In support of his case, the petitioner got examined himself as PW1 and got marked documents at Ex.P1 & 2 and closed his side. No evidence is adduced on behalf of the respondent.

**5.** Having heard the learned counsels for respective parties, this Court has perused the entire materials available on record. Now, the findings of this Court to the above points are as follows:

Point No.1 : **In the Affirmative.**

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

### **REASONS**

**6. Point No.1:** In order to prove his case, the petitioner got examined himself as PW1 by filing his affidavit in lieu of examination-in-chief wherein he has reiterated the petition



averments. He has also adduced documentary evidence and got marked the same as Ex.P1 & P2.

**7.** The petitioner has contended that he was born on 05.04.1962 at Kottoli Village, Virajpet Taluk. But, due to lack of knowledge of his parents, his date of birth is not intimated and hence not registered in the concerned register of the respondent authority, and now the birth certificate is required for the purpose of apply to passport. He further contended that when he had approached the respondent authority, they have issued a non-availability certificate stating that his date of birth is not registered. The said non-availability certificate issued by respondent is marked at Ex.P1.

**8.** PW1 has further produced the notarized copy of his Aadhaar card which shows his date of birth as 05.04.1962. Though the respondent has not produced any other documents, but considering the age of petitioner, no other document can be expected from him. On the other hand, there is nothing on record to disbelieve the version of the petitioner. Hence, the petitioner has established his case. Therefore, keeping in view the circumstances of the case, the petition deserves to be allowed. Accordingly, this court answers point No.1 in the '**Affirmative**'.

**9. Point No.2:** In view of the above findings on point No.1, this court proceed to pass the following;

**ORDER**

**The petition filed by the petitioner U/sec.13(3) of the Registration of Birth and Death Act, 1969 is hereby allowed.**

**The respondent is hereby directed to enter the date of birth of the petitioner by name Alavi.P.M S/o Late Mohammed and Ayisha as born on 05.04.1962 at Kottoli Village, Virajpet Taluk, in the concerned register and accordingly issue birth certificate on deposit of requisite fee, if any.**

(Dictated to the Stenographer, directly typed by her on computer, corrected and then pronounced by me in the open court on **27<sup>th</sup> day of JUNE 2026, at Virajpet**).

**(Vishwanath A.)**  
C/c Addl. Civil Judge & JMFC.,  
**Virajpet.**

**ANNEXURE****LIST OF WITNESS EXAMINED ON BEHALF OF PETITIONER:-**

PW1 : Alavi.P.M

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-**

Ex.P1 : Non availability certificate

Ex.P2 : School Transfer certificate of petitioner



Ex.P3 : Voters I.D card of petitioner

**LIST OF WITNESS EXAMINED ON BEHALF OF RESPONDENT:-**

NIL

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT:-**

NIL

**(Vishwanath A.)**  
C/c Addl. Civil Judge & JMFC.,  
**Virajpet.**

\*MCT

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