

KAKP410023862026



**IN THE COURT OF THE II ADDL. CIVIL JUDGE & JMFC,
GANGAVATHI, AT: GANGAVATHI.**

Present: **Smt. Roshni Patil,**
B.A.LL.B.
II Addl. Civil Judge & JMFC,
Gangavathi.

Dated this the 13th day of July 2026

Cri.Misc.No.762/2026

Petitioner: Basavaraja S/o Pampati,
Age: 04 years, Minor, Through natural
guardian ie., mother by name
Parvatamma W/o Pampati,
Age: 22 years, Occ: Coolie,
R/o Hiredankanakal Village,
Tq: Kanakagiri, Dist: Koppal.

(By Sri. P.S.G., Advocate)

//Vs//

Respondents:

1. The Tahasildar,
Birth and death registrar,
Tahasil Office, Kanakagiri,
Dist: Koppal.

(absent)

ORDER

The petitioner has filed this petition U/Sec.13(3) of the Birth & Death Registration Act, 1969 R/w. Rule - 9(3) of the Registration of Births and Deaths Rules, praying to issue direction to the respondent to register date of birth as 13-08-2022 at Hiredankanakal Village, Tq: Kanakagiri, Dist: Koppal in the birth register maintained by them.

2) The brief facts of the case of petitioner is as under:

The petitioner's son by name "Basavaraja S/o Pampati" born on 13-08-2022 at Hiredankanakal Village, Tq: Kanakagiri, Dist: Koppal. The petitioner intimated the birth to the respondent but due to oversight the same is not registered by the respondent office in the Birth and Death Register maintained by them and petitioner and his parents were under impression that his date of birth is entered. The petitioner is in need of his birth certificate for his education and other legal purposes, the mother of the petitioner applied to get her son birth certificate. But the respondent intimated that his birth date is not entered in the birth registrar and issued non availability certificate. Hence, the petitioner is constrained to file this petition. Accordingly, prayed to allow the petition.

3) In response to the notice issued by this court, the respondent remained absent. Hence, objection taken as nil and he has been placed exparte.

4) In order to prove the case, the petitioner's mother examined as PW.1 and got 02 documents marked as Ex.P.1 and Ex.P.2 and closed her side.

5) I have heard argument of learned counsel for the petitioner. Perused the records before this court.

6) The points arise for consideration are as under.

POINTS

- 1) Whether the petitioner has made out sufficient grounds to allow the petition ?
- 2) What order ?
- 7) My answers to the above points are as follows.

Point No.1 : In the Affirmative.

Point No.2 : As per final order

For the following;

REASONS

8) POINT NO.1: The learned counsel for the petitioner during argument reiterated the contents of petition and relied upon the documents and prayed to allow the petition.

9) Upon having heard so, on perusal of the records, the petitioner's mother has examined as P.W.1 and she has reiterated the contents of the petition in her affidavit and got 02 documents marked. Ex.P.1 is the non-availability certificate issued by the Tahasildar Registrar, Tahasildar, Kanakagiri i.e., respondent dated 30-05-2026 and Ex.P-2 is the School acknowledgment letter issued by the Anganawadi Karyakarte, at Hiredankanakal Village, Tq: Kanakagiri, Dist: Koppal dated: 11-05-2026 there are essential documents and therefore, having presumptive value. Ex.P.1 and 2 shows the birth date is not entered in the respondent's office. To deny the contents of affidavit of P.W.1, the respondents have not appeared. Further there are no contrary evidence to disprove the evidence given by PW.1 or to disbelieve his case.

10) Therefore, I am of the opinion that, petitioner has made out grounds to allow the application. If respondent is ordered to register date of birth of the petitioner, she will not be put to loss as it binds the parties only. Accordingly, for reasons discussed herein before, I answer the Point No.1 in the Affirmative.

11) POINT NO.2: In view of my answer on Point No.1, I proceed to pass the following;

ORDER:

The Petition filed by the petitioner U/Sec.13(3) of Birth and Death Registration Act 1969 R/w Rule 9(3) of the Registration of Birth and Deaths Rules, 1970 is hereby allowed.

Consequently the concerned respondent is hereby directed to enter the date of birth of petitioner's son by name "Basavaraja S/o Pampati" as 13-08-2022 at Hiredankanakal Village, Tq: Kanakagiri, Dist: Koppal in the concerned register by receiving the late fee, if any, as per law within one month from approach of the petitioner.

No order as to costs.

(Dictated to the Stenographer directly on the computer and typed by her, corrected and then pronounced by me in the Open Court on this the 13th day of July 2026).

(Smt.Roshni Patil)
II Addl. C, J, & JMFC.,
Gangavathi

Annexure

List of witnesses examined on behalf of the Petitioner:

P.W.1 : Smt.Parvatamma W/o Pampati.

List of documents marked on behalf of the Petitioner:

Ex.P.1 : Non-availability certificate.

Ex.P.2 : School acknowledgment Letter.

List of witnesses examined on behalf of the Respondent:

--NIL--

List of documents marked on behalf of the Respondent:

--NIL--

(Smt.Roshni Patil)
II Addl. C, J, & JMFC.,
Gangavathi