

KAKP410028832026



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

Present: **Sri. Nagesh Patil,**
B.Com.,LL.B.
Prl. Civil Judge & JMFC,
Gangavathi.

Dated this the 22nd Day of August 2026

Cri.Misc.No.926/2026

Petitioner: Raja Vali S/o Kutubuddin Vali,
Age: 54 years, Occ: Electrician,
R/o: Ward No.16, Pinjar Oni,
Gangavathi, Tq: Gangavathi,
Dist: Koppal.

(By Sri. I.Z., Advocate)

//Vs//

Respondents:

1. The Registrar of Birth & Deaths,
Represented by its Commissioner,
City Municipal Council,
Gangavathi.

(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 respondents to register date of birth as 01-01-1972 at residence of petitioner's house, Ward No.16, Pinjar Oni, Gangavathi, Tq: Gangavathi, Dist: Koppal in the birth register maintained by them.

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

The petitioner was born on 01-01-1972 at his house, Ward No.16, Pinjar Oni, Gangavathi, Tq: Gangavathi, 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 is under impression that his date of birth is entered. The petitioner is in need of his birth certificate to get passport and other legal necessities, he applied to get his birth certificate. But the respondent intimated that his birth date is not entered in the birth registrar and issued non availability certificate. Hence, she 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.

4) In order to prove the case, the petitioner' is examined as P.W.1 and got 1 document marked as Ex.P.1 and closed his 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 has examined as P.W.1 and he has reiterated the contents of the petition in his affidavit and got 2 documents marked. Ex.P.1 is the non-availability certificate issued by the CMC office, Registrar, CMC, Gangavathi i.e., respondent dated 24-06-2026, it is the essential document and therefore, having presumptive

value. Ex.P.1 shows the birth date is not entered in the respondent's office. To deny the contents of affidavit of P.W.1, the respondent has 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, he 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 by name **Raja Vali S/o Kutubuddin Vali born on 01-01-1972 at his house at Ward No.16, Pinjar Oni, Gangavathi, Tq:**

Gangavathi, Dist: Koppal in the concerned register **after verifying the correctness of the birth** 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 computer, typed by her, corrected and then pronounced by me in the Open Court on this the **22nd Day of August 2026**).

(Nagesh Patil)

**Prl. C. J, & JMFC.,
Gangavathi.**

Annexure

List of witnesses examined on behalf of the Petitioner:

P.W.1 : Raja Vali S/o Kutubuddin Vali

List of documents marked on behalf of the Petitioner:

Ex.P.1 : Non-availability certificate

List of witnesses examined on behalf of the Respondent:

NIL

List of documents marked on behalf of the Respondent:

NIL.

(Nagesh Patil)

**Prl. C, J, & JMFC.,
Gangavathi**