

KAMS210012292026



IN THE COURT OF PRL.CIVIL JUDGE & JMFC.,
AT H.D.KOTE

Present : **SRI.SANTHOSHA KOTARI**, B.A.L, L.L.B.,
Prl.Civil Judge & JMFC.,

Dated : **This the 2nd Day of July 2026**

Crl.Mis.No.273/2026

PETITIONER : Sri.H.S.Kalaswamy
S/o.Late.Sannaiah
Aged about 58 years
R/at Hyrige Village,
Kasaba Hobli,
H.D.Kote Taluk.

(By Sri.Shrikanta Murthy.M, Advocate)

RESPONDENT : The Tahashildar
Birth and Death Division
H.D.Kote Taluk.
(Ex-parte)

ORDER

The petitioner has filed this petition under Sec.13(3) of Registration of Births and Deaths Act 1969 seeking directions to respondent to enter his birth particulars and issue a birth certificate.

2. The summary of the case of the petitioner is as under:

The Petitioner by name Sri.H.S.Kalaswamy S/o Late.Sannaiah, was born on 01.06.1968 at Hyrige Village, Kasaba Hobli, H.D.Kote Taluk, Mysuru District. At that time, petitioner's parents have not informed his date of birth to the concerned authority and therefore the birth particulars of the petitioner were not entered in the concerned record. Since, the petitioner is in need of birth certificate for the purpose of correction of his Aadhaar card, however the respondent has given non-availability certificate. Hence, this petition.

3. Notice issued to the respondent was served. In spite of service of notice, the respondent remained absent. Hence, he placed ex parte.

4. In support of his case, the petitioner examined himself as PW-1 and got marked Ex.P1 to Ex.P7 and closed his evidence.

5. I have heard the arguments addressed by learned advocate for the petitioner. I have gone through the materials available on record. The following points arise for my consideration.

POINTS

- 1) Whether the petitioner has made out a case for allowing the petition?

2) What order ?

6. My findings to the above points is as under:

Point No.1: In the affirmative.

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

REASONS

7. **Point No.1:-** In order to prove the case, petitioner has examined himself as PW-1 and produced as many as 7 documents and they are marked as Ex.P1 to Ex.P7. Ex.P1 is Non-availability certificate, Ex.P2 and 3 are report of Village Accountant, Revenue Inspector and certified copy of Mahazar, wherein it discloses that date of birth of petitioner by name Sri.H.S.Kalaswamy S/o Late.Sannaiah is not registered in the register maintained by the respondent. Further, Ex.P4 is Notarized copy of School administration extract, Ex.P5 is Notarized copy of Pan Card of petitioner, Ex.P6 is Notarized copy of Employee Identity card of petitioner and Ex.P7 is Notarized copy of Adhaar Card of petitioner. On perusal of Ex.P4, it reveal that the petitioner by name Sri.H.S.Kalaswamy S/o Late.Sannaiah was born on 01.06.1968. Further inspite of service of notice the respondent for the reasons best known to him has remained absent and has not made any attempt to deny the documents produced by the petitioner. Thus, from this, it is crystal clear that, oral as well as documentary evidence produced by the petitioner has remained unchallenged and

uncontroverted and there is no reason to disbelieve the evidence of the petitioner.

8. Further, it is also a trite that in a proceeding under Sec.13(1)(3) of Registration of Births and Death Act, Court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by Hon'ble High Court of Karnataka in the matter of **State of Karnataka V/s. Smt. Annakka reported in 2000(4) KCCR 2674**, which reads thus:

“REGISTRATION OF BIRTHS AND DEATHS ACT 1969- Sec.13(3)-Direction to make an entry in the birth Registration by the Magistrate-Challenged on the ground that except the statement of applicant on oath there was no other material.

Held: Magistrate in a proceeding under Sec.13(3) only ascertains the birth of the child and date is not the material consideration, as such directions bind only the Registration Office under the Act to make an entry and does not carry higher probative value”.

9. Reverting to the factual matrix of the petitioner case, petitioner has stated in his petition as well as in his examination in chief that his date of birth is 01.06.1968. The materials available on record support his case. Hence,

in the light of the principles emerged from the decision referred to above, petition is required to be allowed. Hence, I answer the **Point No.1 in the affirmative.**

10. **Point No.2:-** For the foregoing reasons, I pass the following

ORDER

Petition filed by the petitioner under Sec.13(3) of Registration of Births and Deaths Act 1969 is hereby allowed.

Respondent is directed to enter the birth details of petitioner by name "Sri.H.S.Kalaswamy S/o Late.Sannaiah" born on 01.06.1968 in the concerned records and issue a birth certificate to the petitioner after collecting necessary fee.

The parties to bear their respective costs.

(Dictated to the Stenographer on Computer, corrected by me and then pronounced by me in the open court on **2nd day of July 2026**)

(SANTHOSHA KOTARI)
Prl.Civil Judge & JMFC.,
H.D.Kote.

ANNEXURE**1. Witnesses examined on behalf of petitioner :-**

PW-1 : Sri.H.S.Kalaswamy

2. Exhibits marked on behalf of petitioner:-

Ex.P1 : Non-availability certificate

Ex.P2 : Reports of Village Accountant, Revenue

and 3 Inspector and certified copy of Mahazar

Ex.P4 : Notarized copy of School Administration extract

Ex.P5 : Notarized copy of Pan Card of petitioner

Ex.P6 : Notarized copy of Employee identity card of
petitioner

Ex.P7 : Notarized copy of Adhaar Card of petitioner

3. Witnesses examined on behalf of respondent :-

-NIL-

4. Exhibits marked on behalf of Respondent :-

-NIL-

(SANTHOSHA KOTARI)

Prl.Civil Judge & JMFC.,

H.D.Kote.