

KAMS210002572026



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 7th Day of March 2026**

Crl.Misc.82/2026

PETITIONER : Pramila Jyothi Sequiera
D/o.Aloysius Sequera
W/o.Wilferd Derick D'Souza
Aged about 44 years
R/at No.6, Ganga Mahima Layout,
Doddabidarakallu,
Nagasandra, Bengaluru.

(By Sri.Shankara, Advocate)

RESPONDENT : The Tahashildar
Birth and Death Division
H.D. Kote Taluk,
Mysuru District.
(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 her birth particulars and issue a birth certificate.

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

The Petitioner by name Pramila Jyothi Sequiera D/o.Aloysius Sequera was born on 06.12.1982 at Naganahalli Village, Kasaba Hobli, H.D.Kote Taluk, Mysuru District. At that time, petitioner's parents have not informed her 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 getting Passport, 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 exparte.

4. In support of her case, the petitioner examined herself as PW-1 and got marked Ex.P1 to Ex.P6 and closed her 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 herself as PW-1 and produced as many as 6 documents and they are marked as Ex.P1 to Ex.P6. 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 Pramila Jyothi Sequiera D/o.Aloysius Sequera is not registered in the register maintained by the respondent. Further, Ex.P4 is the Notarized Copy of SSLC Marks Card, Ex.P5 is the School Admission Form and Ex.P6 is the Notarized copy of Aadhaar card of petitioner. On perusal of Ex.P4, it reveal that the petitioner by name Pramila Jyothi Sequiera D/o.Aloysius Sequera was born on 06.12.1982. 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 her petition as well as in her examination in chief that her date of birth is 06.12.1982. The materials available on record support her 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 "Pramila Jyothi Sequiera D/o.Aloysius Sequera" born on 06.12.1982 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 **7th day of March 2026**)

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

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

PW-1 : Pramila Jyothi Sequiera

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 SSLC Marks Card
Ex.P5 : School Admission Form
Ex.P6 : Notarized copy of Aadhaar Card

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.