

KAMS300008802026



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AND J.M.F.C AT HUNSUR**

Present: Smt.Anitha,B.A. (Law) L.L.B.,
Prl.Senior Civil Judge & JMFC.,
Hunsur.

Cri.Misc.No.113/2026

Dated this the 24th of July 2026

Petitioner: Druva.M.S., S/o Swamy,
Aged 13 years,
Minor represented by natural guardian/
mother by name Smt.Lola.,W/o Swamy,
Aged about 38 years, R/at Mudaganuru
Village, Hanagodu Hobli, Hunsur Taluk,
Mysuru District.

(By: Sri.S.Venkatesh., Advocate)

V/s

Respondent: The Commissioner and Registrar
of Births and Deaths,
City Municipality, Hunsur.

(Placed Ex-parte)

ORDERS

That the petitioner filed the present petition under
Section13(3) of Registration of Births and Deaths Act seeking
for the direction to the respondent to register the date of birth
of her son Druva.M.S. in the concerned Birth Register.

2. It is the case of the petitioner that, her son Druva.M.S. was born on 11.10.2013 at Bahusar Nursing Home, Hunsur. It is further stated that, for various reasons the said information was not registered by her in the birth registration register. On 15.05.2026 the petitioner applied for birth certificate of her son and the respondent issued non-availability certificate. The birth certificate of her son is required for her son's education, other legal necessity and also for Government facilities. Hence, the petitioner filed the petition seeking direction from this court to the respondent to enter her son's date of birth in the concerned Birth Register.

3. After filing the petition, notice was issued to the respondent. In spite of service of notice the respondent not chosen to appear before the court and it has been placed ex-parte.

4. In order to prove the case, the petitioner filed her chief-examination affidavit, examined herself as PW1 and got marked six documents as per Ex.P1 to Ex.P6. Since the respondent has been placed ex-parte, there is no cross-examination of PW1 and no respondent evidence.

5. Thereafter heard arguments addressed by learned counsel for the petitioner and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the petitioner proves that, her son's birth date is not entered in the Birth Register maintained by the respondent?
2. What order?

6. The findings on the above points are as hereunder:

Point No.1: In the affirmative.

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

REASONS

7. **Point No.1:-** The petitioner filed the petition under Section 13(3) of Registration of Births and Deaths Act seeking direction to the respondent to enter her son's date of birth in the concerned Birth Register. It is the case of the petitioner that, her son by name Druva.M.S. was born on 11.10.2013 at Bahusar Nursing Home, Hunsur Town. It is further stated that, for various reasons the said information was not registered by her in the birth registration register. It is further stated that, when the petitioner approached the respondent for the birth certificate of her son, the respondent issued non-availability certificate stating that the date of birth of her son has not been entered in the concerned register. She requires her son's Birth Certificate for the purpose of her son's education, other legal necessity and also for Government facilities.

8. PW1 has produced the Non availability Certificate issued by the respondent and got it marked as Ex.P1. On perusal of Ex.P1 it appears that, the date of birth of her son Druva.M.S. has not been entered by the respondent in the concerned Register. There is no reason to disbelieve the contents of this document. PW1 also produced the notary true copy of birth certificate issued by Bahusar Nursing Home as per Ex.P2. As per this document the date of birth of the petitioner's son is 11.10.2013. PW1 also produced the original school admission extract of her son as per Ex.P3. As per this

document the date of birth of the petitioner's son is 11.10.2013. PW1 also produced the notary copies of aadhar cards of herself, her husband and her son as per Ex.P4 to Ex.P6. As per Ex.P4 the date of birth of petitioner's son is 11.10.2013.

9. The respondent in spite of service of notice has not chosen to appear before the court and the respondent has been placed ex-parte. The oral testimony of PW1 and the documents produced by PW1 remained unchallenged. Since the evidence of PW1 and the documents remained unchallenged there is no reason to disbelieve the version of PW1. Accordingly, Point No.1 is answered in the Affirmative.

10. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:

ORDER

The petition filed by the petitioner under Section 13(3) of Registration of Births and Deaths Act is hereby allowed.

Consequently, the respondent is hereby directed to enter the date of birth of the petitioner's son by name Druva.M.S., as 11.10.2013 in the birth records maintained by it, after collecting the necessary late fees and fine if any.

No order as to costs.

(Dictated to the Stenographer directly on the computer and the same is then corrected and then pronounced by me in the open court on this the 24th of July 2026).

Sd/-

(Anitha)

Prl. Senior Civil Judge and JMFC,
Hunsur.

ANNEXURE

Witnesses examined on behalf of the petitioner:

PW1 : Lola.,

Witnesses examined on behalf of the respondent: -Nil-

Documents marked on behalf of the petitioner:

Ex.P1 : Non-availability certificate
Ex.P2 : Birth certificate
Ex.P3 : School admission extract
Ex.P4 to Ex.P6 : Notary true copies of aadhar card.

Documents marked on behalf of the respondent: -Nil-

Sd/-

(Anitha)

Prl. Senior Civil Judge and JMFC,
Hunsur.