

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, JATH,
DISTRICT – SANGLI**

Criminal Miscellaneous Application No. 231 of 2022
(CNR-MHSN08-001524-2022)

Final Order Below Exh.1
(Delivered on 28th November, 2022)

Shrimant Laxman Mhetre,
Age:- 47 years, Occup: Agri,
R/o. Ekundi, Tal.- Jath,
Dist.- Sangli

} **Applicant**

V E R S U S

Gramsevak,
Grampanchayat Office,
Ekundi, Tal.- Jath, Dist. Sangli

} **Non-applicant**

Advocate for applicant - Mr. I. O. Hadimani.

**APPLICATION UNDER THE PROVISION OF SUB-SECTION 3 OF
SECTION 13 OF REGISTRATION OF BIRTH AND DEATH
ACT, 1969.**

1) The application under consideration is filed by the applicant with prayer to issue directions to the respondent to take entry of birth of his son namely **Sachin s/o. Shrimant Mhetre** in the birth register of **Grampanchayat Office, Ekundi, Tal.- Jath, Dist.- Sangli** under the provisions of sub-section 3 of section 13 of Registration of Birth and Death Act, 1969.

2) It is mentioned in the application that the **son** of the applicant namely **Sachin s/o. Shrimant Mhetre** is born on **17/11/1998** at **Ekundi, Tal.- Jath, District- Sangli**. However, due to inadvertence and lack of knowledge of the family members regarding causing entry of birth to be made, they failed to register the entry of birth of his **son** to the office of **Grampanchayat Office, Ekundi, Tal.- Jath, Dist.- Sangli**. The applicant is in need of birth certificate for educational purpose and government and semi-government purposes. It is further contended that, for obtaining birth certificate, applicant approached **Grampanchayat Office, Ekundi, Tal.- Jath, Dist.- Sangli**. The said office has conducted the search in the concerned birth registers of **Grampanchayat Office, Ekundi** in respect of entry of birth of **son** of the applicant, but did not find his name in the register. Therefore, non-applicant issued non-availability certificate on **04/10/2022**, which is produced on record at **Exh. 3 along with Sr. No. 1** by the applicant.

3) Further, the applicant has issued the publication in daily news paper "**Kesari**" on **22/10/2022** calling objections, if any, to the present application, which is produced at **Exh. 09**. Pursuant to the publication, no one has filed any objection to the application within the period mentioned in the publication or till today. The applicant has filed on record affidavits in lieu of examination-in-chief of himself and his wife who is mother of Sachin i.e. **Shakuntala Shrimant Mhetre** for the purpose of inquiry vide **Exh. 10 & 11** respectively. However, they are not cross examined by

anybody being as an objector in the application.

4) I have heard Ld. Advocate **Mr. I. O. Hadimani** for the applicant. After hearing an argument and considering the evidence and documents filed on record, following points arise for my determination. I have recorded my finding thereon for the reasons stated herein below.

Sr. No.	Points for determination	Findings
1.	Whether the directions are required to be issued against the non-applicant as prayed?	Yes.
2.	What order?	As per final order

-: REASONS :-

As to point No. 1 & 2:-

5) All the pleadings and evidence lead by the applicant remained unchallenged. In support of his contention, the applicant **has examined himself** and **his wife i.e. Shakuntala Shrimant Mhetre**. They have corroborated the contentions in the application. The applicant and his wife have stated on oath that their son **Sachin s/o. Shrimant Mhetre** is born on **17/11/1998 at Ekundi**. The applicant has also produced on record the Leaving **certificate of his son Sachin s/o. Shrimant Mhetre** given by **Principal, Siddharth Polytechnic, Jath, Tal.- Jath, Dist.- Sangli** alongwith list

Exh. 3 at Sr. No. 5. It also shows the date of birth of the son of the applicant as **17/11/1998**. All the oral and documentary evidence produced on record is unchallenged. The non applicant failed to file any say to the present application though the notice at **Exh. 6** is duly served to it. Hence, there is no dispute that, the **son** of the applicant namely **Sachin s/o. Shrimant Mhetre** is born on **17/11/1998** at **Ekundi., Tal.- Jath, Dist. Sangli.**

6) As per the directions issued by The Hon'ble Bombay High Court in Cr. Public Litigation No.4/2013, cases in which birth or death is not registered even after one year, can be registered only as per the orders passed by the Magistrate of First Class under sub-section 3 of section 13 of Registration of Birth and Death Act, 1969. So also, the certificate filed a Sr. No. 1 alongwith list at Exh. 3 issued by the **Grampanchayat Office, Ekundi, Tal.- Jath, Dist. Sangli,** reveal that in the search of birth entry registers, the name of the son of the applicant namely **Sachin s/o. Shrimant Mhetre** is not found. Therefore, the certificate is issued as required under section 17 of the said Act. The time of more than one year has been already lapsed. So, the entry of birth of the son of the applicant namely **Sachin s/o. Shrimant Mhetre** could be registered only by the orders of the court. Therefore, considering the evidence adduced by the applicant on record, I have no hesitation to answer the point No. 1 in the affirmative and in answer to point No. 2, I pass following order.

1. The application is allowed.
2. Gramsevak, Grampanchayat Office, **Ekundi, Tal.- Jath, Dist. Sangli**, is hereby directed to register the entry of birth of the son of the applicant namely **Sachin s/o. Shrimant Mhetre, R/o. Ekundi, Tal.- Jat, Dist- Sangli** as **17/11/1998** as per the rules after the payment of prescribed fees under Sub-Section 3 of Section 13 of Registration of Birth and Deaths Act, 1969.
3. The entry shall be subject to challenge in future, if any.

Place :- Jath
Date :- 28/11/2022

(Ekanath K. Chougale)
(JO Code -MHSN2400)
Judicial Magistrate First Class,
Jath.

CERTIFICATE

I affirm that, the contents of this P.D.F. file
Oder/Judgment is same word to word, as per the original
Oder/Judgment.

Name of the Stenographer	S. A. Jamadar Stenographer Grade-III
Name of the Court	Ekanath K. Chougale. Civil Judge Jr. Dn. & J.M.F.C., Jath, Tal.- Jath, Dist. - Sangli.
Date of decided	28/11/2022.
Signed by Presiding officer on	28/11/2022.
Uploaded on	01/12/2022.