

MHYA170011162022



ORDER BELOW EXH.01 IN CRI. MISC. APPL. NO.133/2022,
(Passed on 23/02/2023)

01- The applicant *Manisha Devidas Lohakare* has filed this application under Section 13 (3) of the Births and Deaths Registration Act, 1969 to give necessary direction to the Secretary/Registrar to take entry of her birth date.

02- The applicant submitted that, she is resident of Bopapur(Wani), Tal. Kalamb, Dist. Yavatmal and her birth took place on 30/06/1999 at Kalamb, Tal. Kalamb, Dist. Yavatmal. It is submitted that, due to lack of knowledge her parents has not applied to take entry of her birth date to the concerned authority. She in need of birth certificate for official use. Therefore, she has filed this application for issuance of directions to the concern authority.

03- The notice of the matter has been issued to the non applicant to which he has been appeared and filed his formal say at Exh. 08 and submitted that, appropriate order may kindly be passed.

04- Heard Learned counsel Shri. D.G.Telange for the applicant. Perused the documents on record.

05- In view of Sec.13(3) of the Registration of Births and Deaths Act the correctness of the birth date has to be verified.

06- The applicant has filed her evidence in lieu of examination -in-chief affidavit at Exh.09. The applicant also filed Non-availability certificate issued by Nagar-Panchayat, Kalamb, Tal. Kalamb at Exh. 10, Verified copy of Secondary School Certificate at Exh.07, verified copy of her Adhar Card at Exh.13. Lastly, evidence closed pursis at Exh.14.

07- Upon perusal of copy of Secondary School Certificate at Exh.07 it appears that birth date of applicant is as 30/06/1999. It is also appears that, she is permanent resident of Bopapur(Wani), Tal. Deoli, Dist. Wardha as per verified copy of Aadhar Card at Exh.13. The birth date of the applicant is fortified with the copy of Secondary School Certificate which is placed on record. The evidence of applicant also supports the same. Usually at the time of admission in the school the birth date has to be notify to the school authorities and the same birth date used to be continuously mentioned in the Secondary School Certificate. Therefore, there is no reason to disbelieve on the version of the applicant and his Secondary School Certificate. Therefore, the birth date of the applicant is 30/06/1999 and it is correct. Hence, I pass the following order.

ORDER

01. The application is allowed.
02. The Chief Executive Officer, Nagar-Panchayat Kalamb, Tal. Kalamb appointed under the Births and Deaths Registration Act, is hereby directed as per Section 13 (3) of the Births and Deaths Registration Act, 1969 to enter the birth date of applicant ***Manisha Devidas Lohakare*** as **30/06/1999** in the concerned register on payment of the prescribed fee.
03. The Chief Executive Officer, Nagar-Panchayat Kalamb, Tal. Kalamb is hereby directed to register the applicant's birth date in the register after receiving the certified copy of this order.

Date-23/02/2023

(Abhay M.Vibhute),
Judicial Magistrate,F.C.
Kalamb, Yavatmal.