

KAMS510014442026



**IN THE COURT OF II ADDL. CIVIL JUDGE AND
JMFC., NANJANGUD, MYSURU**

Present: Kruttika.P.Pawar

B.E.,LL.B.,LL.M (IP&Tech.laws).

II Addl. Civil Judge & JMFC, Nanjangud

Dated on this the 16th day of May- 2026

Crl.Misc./499/2026

PETITIONER	: Sameena Banu W/o Abdul wahid, aged about 41 years, R/at No.1868/4, Opposite old police station, Nanjangud Town. (By Sri. Somashekar B, Adv)
<u>V/S</u>	
RESPONDENT	The Commissioner, The Registrar of Birth and Death, Nagarasabhe, Nanjangud.

(Exparte)

ORDER

Petitioner has filed this petition under Sec.13(3) of Registration of Births & Deaths Act, 1969 seeking direction to respondent to enter date of birth of petitioner by name Sameena Banu W/o Abdul wahid (ಸಮೀನಾ ಬಾನು ಕೋಂ ಅಬ್ಬುಲ್

ವಾಹೀದಾ) daughter of Apsar Begum, was born on 01.04.1985 at Opposite old police station, Nanjangud Town.

2. The petitioner has stated that, the petitioner has not intimated to the respondent, to register the date of birth of herself who born on 01.04.1985 therefore it is not registered in the register maintained by them. Now the birth certificate is required for future. As such the petitioner has filed the petition seeking direction to the respondent to register the date of birth of herself in the concerned register maintained by them. On these grounds the petitioner come up with the present petition.

3. After the service of notice of petition, the respondent did not appear before the court.

4. In order to prove the case of petitioner, the petitioner examined as P.W.1 and got marked the documents as Ex.P.1 to Ex.P.3 and closed her side evidence.

5. I have heard learned counsel for petitioner, perused the records, after perusal, the points that arise for my consideration are as follows:

Point No.1: Whether petitioner has made out grounds under section 13(3) of Birth and Death registration Act to seek direction

to the respondent for entering the date of birth in the concerned register?

Point No.2: What order?

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

Point No.1. In the Affirmative

Point No.2. As per final order

for the following:

REASONS

7. **Point No.1 :** It is the main claim of the petitioner that, the petitioner by name Sameena Banu W/o Abdul wahid (ಸಮೀನಾ ಬಾನು ಕೋಂ ಅಬ್ದುಲ್ ವಾಹೀದ್) **daughter of Apsar Begum,** was born on **01.04.1985 at Opposite old police station, Nanjangud Town.** The fact of birth of petitioner's was not intimated to the respondent by the petitioner, therefore they have not registered in the register maintained by them. Now after applying the birth certificate to the respondent, the respondent pleaded their inability to furnish the birth extract on the ground that the birth of the petitioner's is not entered in the concerned register. As against this allegation, admittedly we have no defense from the respondent owing to his failure to appear before the court. As regard his claim,

the petitioner has deposed before the court and examined as PW.1 and got marked 03 documents as Ex.P.1 to Ex.P.3. Ex.P.1 is the non-availability certificate issued by the respondent, Ex.P.2 is the notarized copy of Aadhar card, Ex.P.3 is the Transfer certificate issued by Head Master, Govt Urdu Higher Primary Girl School, Arabic Madrasa, R P Road, Nanjangud. On perusal of Ex.P.1 it is clear that the respondent has pleaded their inability to issue the birth extract of petitioner's. On perusal of Ex.P.1 it discloses that the petitioner has contested the petition and as such the respondent has not made out any reasonable grounds to reject the application of P.W.1. The fact that the petitioner's was born on 01.04.1985 is remained undisputed. Therefore, there is no reason to disbelieve the evidence of PW.1.

8. It is also well settled that in a proceeding under Section 13(3) of Registration of Births and Deaths 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 2000(4) KCCR (State of Karnataka Vs. Smt. Annakka) which reads thus:

**“REGISTRATION OF BIRTHS AND DEATHS
ACT, 1969-**

Section 13(3)- Direction to make an entry in the Birth Register by the Magistrate-Challenged on the ground that except the statement of applicant on oath there was no other material.

Held: The Magistrate in a proceeding under Section 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.

Reverting to the factual matrix of the present case, petitioner statement in her petition as well as in her examination in chief affidavit to the effect that petitioner's by name Sameena Banu W/o Abdul wahid (ಸಮೀನಾ ಬಾನು ಕೋಂ ಅಬ್ದುಲ್ ವಾಹೀದ್) **daughter of Apsar Begum, was born on 01.04.1985 at Opposite old police station, Nanjangud Town.** PW.1 her testimony will have to be relied upon to come to the conclusion that the petitioner's was born on 01.04.1985. When no justifiable grounds are made by the respondent to reject application of P.W.1 for issuance of birth certificate, certainly direction can be issued to the respondent to make necessary

entry in the concerned register regarding the birth of petitioner's. In absence of any available material in this regard, the claim of P.W.1 deserved to be allowed and hence **I answer this point in Affirmative.**

9. Point No.2:- In view of the reasons discussed above, I proceed to pass the following:-

ORDER

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

Respondent is directed to enter the date of birth of petitioner's by name Sameena Banu W/o Abdul wahid (ಸಮೀನಾ ಬಾನು ಕೋಂ ಅಬ್ದುಲ್ ವಾಹೀದ್) **daughter of Apsar Begum, was born on 01.04.1985 at Opposite old police station, Nanjangud Town,** in the concerned records and issue birth certificate to the petitioner after collecting necessary fee and fine.

No order as to costs.

(Dictated to the Stenographer directly on the computer, corrected and initialed by me and then pronounced in open court on this the **16th day of May - 2026**)

**(Kruttika.P.Pawar)
II Addl.Civil Judge and J.M.F.C.,
Nanjangud.**

ANNEXURE**LIST OF WITNESSES EXAMINED FOR THE PETITIONER**

PW.1 : Sameena Banu

LIST OF WITNESSES EXAMINED FOR RESPONDENT:

-NIL-

LIST OF DOCUMENTS MARKED FOR PETITIONER:

Ex.P.1 : Non-availability certificate.

Ex.P.2 : Aadhar card

Ex.P.3 : Transfer certificate

LIST OF DOCUMENTS MARKED FOR RESPONDENT:

-NIL-

(Kruttika.P.Pawar)
II Addl.Civil Judge and J.M.F.C.,
Nanjangud.