

KAMS510019092026



IN THE COURT OF I ADDL. CIVIL JUDGE AND JMFC.,
NANJANAGUDU

Present: Smt.Saritha Kumari A M
B.A., LL.B.,

I Addl. Civil Judge & JMFC, Nanjangud

Dated this 03rd day of June, 2026

CRL.MISC./642/2026

Hemavathi,

D/o.Late.Mahesha,

Aged about 18 years,

R/at. Kurubara beedi, Kamahalli Village,

Biligere hobli,

Nanjangud Taluk.

...Petitioner

(Rep by Sri.A C P ., Adv.)

-/Versus/-

The Tahasildar,

Nanjangud Taluk, Nanjangud.

...Respondent

(Absent)

ORDER

The petitioner has filed this petition U/Sec 13(3) of
The Registration of Births and Deaths Act, 1969.

2. **The brief facts of the petitioner's case is that:**

That, the petitioner by name **Hemavathi, D/o.Late.Mahesha** was born on **19.02.2008** at **Kamahalli Village, Biligere Hobli, Nanjangudu Taluk.** Due to oversight and inadvertence, they did not inform the date of birth of petitioner to the office of the respondent. Hence, now the petitioner requires her birth certificate to produce the same before the concerned authority for her future necessity and other needs. Accordingly, the petitioner submitted an application to the office of respondent for issuance of birth certificate. For which the respondent has issued a non-availability certificate on 19.02.2026 stating that, birth date of petitioner was not entered in the concerned register. Hence, this petition is filed by the petitioner.

3. After registering the case, the notice has been issued to the respondent. In spite of due service of notice, the respondent fails to appear before the Court and remained absent.

4. In order to prove her case, the petitioner herself got examined as PW.1 and got marked Ex.P1 to 3.

5. Heard learned counsel for petitioner.

6. The points that arise for my consideration are as follows:-

1. Whether the petitioner has made out a ground to direct the respondent to register petitioner date of birth in the concerned register?

2. What Order?

7. My findings on the above Points are as under:

Point No.1 – In the Affirmative

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

REASONS

8. **Point No.1:** That, the Petitioner/PW.1 has deposed that, she was born on **19.02.2008 at Kamahalli Village, Biligere Hobli, Nanjangudu Taluk**. Due to the ignorance and oversight, of her parents they did not intimate the fact of birth of her to the respondent. Now when the petitioner has submitted an application to the respondent and prays for issue of her birth certificate, office of respondent issued an endorsement stating that, there is no entry in the concerned register. Now the petitioner requires her birth certificate in order to produce the same before concerned authority. The petitioner has produced non-availability certificate issued by respondent, the same is marked as Ex.P1, Notarized copy of SSLC marks card is marked as Ex.P2 and Notarized copy of Aadhar card is marked as Ex.P3.

9. On perusal of Ex.P2 & 3, it indicates that, the date of birth of petitioner as mentioned in the said document is what has been averred in the petition. Having regard to the scope of the present petition coupled with the averments made in the petition and the evidence of PW.1, this Court feels it fit to accept the claim of the petitioner. Therefore, considering the bonafide requirement for the birth certificate and the intention behind the legislation, this Court is of the opinion that, the present petition is deserved to be allowed.

10. In spite of service of notice, the respondent did not appear before this court, hence the oral and documentary evidence of petitioner remained unchallenged and undisputed. If the date of birth of any person was not registered in the concerned register of appropriate authority for any reasons, it cannot be denied in getting the registration of the same. However, the burden will be on the Registering authority to scrutinize all the documents before entering the date of birth in the concerned register. Accordingly, Point No.1 is answered in the '**Affirmative**'.

11. **Point No.2:** In view of the above said findings, this court proceeds to pass the following:

ORDER

The petition filed by the petitioner under the provisions of Sec. 13(3) of The Registration of Births and Deaths Act, 1969 is hereby **allowed**.

The Respondent is directed to register the date of birth of petitioner by name **Hemavathi, D/o.Late.Mahesha** as **19.02.2008** at **Kamahalli Village, Biligere** Hobli, Nanjangudu Taluk in the birth register maintained by them after receipt of the prescribed fee/late fee from the petitioner.

No order as to cost.

(Dictated to the stenographer directly on the computer, script revised, corrected and signed by me and then pronounced in the open court on this the 03rd day of June, 2026)

(Saritha Kumari A M)

I Addl. Civil Judge & JMFC.,
Nanjanagudu

ANNEXURE

1. List of Witnesses examined by the petitioner:

PW.1 Hemavathi

2. List of documents marked by the petitioner:

Ex.P1	Non Availability Certificate
Ex.P2	Notarized copy of SSLC marks card
Ex.P3	Notarized copy of Aadhar card

3. List of witnesses examined by the respondent:

-Nil-

4. List of documents marked by the respondent:

-Nil-

I Addl. Civil Judge and JMFC.,
Nanjangudu