

KAMS510019282026



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 04th day of July - 2026

Crl.Misc./653/2026

PETITIONER	: 1. Krishnamurthy S S/o Shivanna, Aged about 43 years, 2. Anusha K K W/o Krishnamurthy S Aged about 29 years, Both are R/at house no.1933, Chamalapurada beedi, Nanjangud Town. (By Sri.M.S.P- 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 petitioners' son by name **Rakshan K S/o Krishnamurthy S and Anusha K K** (ರಕ್ಷಣ್ ಕೆ ಬಿನ್ ಕೃಷ್ಣಮೂರ್ತಿ ಎಸ್) was born on **19.04.2019 at Mother and Child hospital Nanjangud Town.**

2. The petitioners have stated that, the petitioners have not intimated to the respondent, to register the date of birth of petitioners' son who born on 19.04.2019 therefore it is not registered in the register maintained by them. Now the birth certificate is required for his education. As such the petitioner has filed the petition seeking direction to the respondent to register the date of birth of his son 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 4 and closed his 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 petitioners' son by name **Rakshan K S/o Krishnamurthy S and Anusha K K** (ರಕ್ಷಣ್ ಕೆ ಬಿನ್ ಕೃಷ್ಣಮೂರ್ತಿ ಎಸ್) was born on **19.04.2019 at Mother and Child hospital Nanjangud Town.** The fact of birth of petitioners' son 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 petitioners son 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 04 documents as Ex.P.1 to Ex.P.4. Ex.P.1 is the non-availability certificate issued by the respondent, Ex.P.2 and Ex.P.3 are the Aadhar card and Ex.P.4 is the study certificate issued by Head Master, Rotary School, 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 son. 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 petitioners son was born on 19.04.2019 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 his petition as well as in his examination in chief affidavit to the effect that petitioners' son by name **Rakshan K S/o Krishnamurthy S and Anusha K K** (ರಕ್ಷಣ್ ಕೆ ಬಿನ್ ಕೃಷ್ಣಮೂರ್ತಿ ಎಸ್) was born on **19.04.2019 at Mother and Child hospital Nanjangud Town.** PW.1 his testimony will have to be relied upon to come to the conclusion that his son was born on 19.4.2019. 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 son. 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 petitioners son by name **Rakshan K S/o Krishnamurthy S and Anusha K K (ರಕ್ಷಣ್ ಕೆ ಬಿನ್ ಕೃಷ್ಣಮೂರ್ತಿ ಎಸ್)** was born on **19.04.2019 at Mother and Child hospital 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 **04th day of July- 2026**)

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

ANNEXURE

LIST OF WITNESSES EXAMINED FOR THE PETITIONER

PW.1 : Krishnamurthy S

LIST OF WITNESSES EXAMINED FOR RESPONDENT:

-NIL-

LIST OF DOCUMENTS MARKED FOR PETITIONER:

Ex.P.1 : Non-availability certificate.

Ex.P.2&3 : Copies of Aadhar card

Ex.P.4 : Study Certificate

LIST OF DOCUMENTS MARKED FOR RESPONDENT:

-NIL-

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