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**IN THE COURT OF THE PRL.CIVIL JUDGE AND JMFC.,
AT PERIYAPATNA.**

-: P R E S E N T :-

Sri.YOGESHA M.R.,B.A.LLB.,
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.

*Dated this the **07th day of MARCH, 2026.***

Crl.Misc.No.103/2026

PETITIONER

- :1.** Basavaraju, 51 yrs,
S/o late Puttaiah,
- 2.** Dhanya, 17 yrs,
D/o Basavaraju,
The petitioner No.2 is Minor,
hence represented by natural
guardian i.e., father by name
Basavaraju.

The petitioners are
R/at Ayarabeedu Village,
Mutturu Post,Kasaba Hobli,
Periyapatna Taluk,
Mysuru District.

(By Sri.GK., Adv)

applied to the respondent to furnish the birth certificate. But, the respondent has given non-availability certificate. Hence, this petition.

3. In spite of service of summons, the respondent remained absent.

4. The petitioner No.2 examined himself as PW.1 and adduced as many as 5 documents as per Ex.P1 to P5. None were examined on behalf of respondent.

5. Heard the arguments.

6. Upon hearing arguments and on perusal of materials placed on records, the following points arises for consideration;

-: P O I N T S :-

1. *Whether the petitioners have made out sufficient grounds for allowing the petition ?*
2. *What order ?*

7. The findings of this Court on aforesaid points are as follows;

POINT NO.1 : IN THE **AFFIRMATIVE**

POINT NO.2 : As per final order,
for the following;

:- R E A S O N S :-

POINT NO.1:-

8. In order to prove the case, the father of the petitioner No.2 examined himself as PW.1 and re-iterated the petition contents. The petitioner No.2 by name Dhanya D/o Basavaraju was born on 28.07.2008 at Rajapura Village, Kasaba Hobli, Periyapatna Taluk, Mysuru District. It is relevant to discuss the following provision of the Birth and Death act, 1969 is necessary.

9. Sec.13(3) of Registration of Birth & Deaths Act, 1969 is read as under;

“Any birth or death which has not been registered within one year of its occurrence shall be registered only on an order made by a Magistrate of the First Class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.”

10. As per the above provision, any birth or deaths shall not be entered in the register of births and deaths after one year of the event, without order of the Magistrate of First Class or Presidency Magistrate. The PW.1 has stated in the petition as well as in his examination-in-chief-affidavit that, petitioner No.2 was born on 28.07.2008 at Rajapura Village, Kasaba Hobli, Periyapatna Taluk, Mysuru District. During the course of his examination, Ex.P1 to P5 have been marked.

11. Ex.P1 is the non-availability certificate issued by the respondent stating that the date of birth of petitioner has not been registered in the register of births and deaths

maintained by respondent. Ex.P2 G-tree; Ex.P3 & 4 Notarized copy of Aadhar card of petitioners; Ex.5 Notarized copy of SSLC Marks Card. The documents furnished by petitioners, reveals that, the petitioner No.2 was born on 28.07.2008. Hence, this Court did not find any reason to disbelieve the case of the petitioners. Therefore, considering the oral and documentary evidence on record, the court held that the petitioners have proved the point No.1. *Hence, this Court answered the point No.1 in the **Affirmative**.*

POINT NO.2:-

12. For the foregoing reasons, this court proceed to pass the following;

ORDER

The petition filed by the petitioners is hereby allowed.

The respondent is hereby directed to enter the date of birth of petitioner No.2 by name Dhanya D/o Basavaraju and Jyothi(ಧನ್ಯ ಬಿನ್ ಬಸವರಾಜು ಮತ್ತು ಜ್ಯೋತಿ), was born on 28.07.2008 at Rajapura Village, Kasaba Hobli, Periyapatna Taluk, Mysuru District., in the concerned register and issue birth certificate to the petitioner on payment of prescribed fees.

*(Directly dictated to the stenographer on Computer, computerized by him, revised and corrected by me, and then pronounced in the open Court on this the **07th DAY OF MARCH, 2026.**)*

(YOGESHA M.R)
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.

-: ANNEXURES :-

WITNESSES EXAMINED FOR PETITIONER:-

PW.1 : BASAVARAJU

DOCUMENTS MARKED FOR PETITIONER:-

Ex.P1 : Non-availability certificate

Ex.P2 : G-tree

Ex.P3 & 4 : Notarized copy of Aadhar card of petitioners

Ex.5 : Notarized copy of SSLC Marks Card

WITNESSES EXAMINED FOR RESPONDENT:- Nil

DOCUMENTS MARKED FOR RESPONDENT:- Nil

(YOGESHA M.R)
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.