

KAMS610005002026



**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 **26th day of MARCH, 2026.***
Crl.Misc.No.159/2026

PETITIONER : Shakirabi, 66 yrs,
D/o late Buden Sharip,
R/at Ankanahalli koppalu Village,
Kasaba Hobli,
Periyapatna Taluk.
(By Sri.BGS., Adv)

RESPONDENT : **V/S**
The Tahasildhar,
Registrar of Births and Deaths,
Taluk office, Periyapatna Taluk.
(Absent)

-: ORDER :-

The petitioner filed this petition U/Sec.13(3) of Registration of Births & Deaths Act, 1969, seeking direction to respondent to enter the date of birth of petitioner and to issue birth certificate.

2. Background facts in a nut-shell are as under;

The petitioner by name Shakirabi D/o late Buden Sharip was born on 01.01.1959 at Ankanahalli Koppalu Village, Kasaba Hobli, Periyapatna Taluk, Mysuru District. The factum of birth of the petitioner was not registered, due to ignorance of law and procedure. The said fact did not comply the event of birth with the respondent. Now, the petitioner is in need of birth certificate for bonafide reason. Hence, the petitioner has 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 examined herself as PW.1 and adduced as many as 2 documents as per Ex.P1 & P2. 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 petitioner has 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 petitioner examined herself as PW.1 and re-iterated the petition contents. The petitioner by name Shakirabi D/o late Buden Sharip was born on 01.01.1959 at Ankanahalli Koppalu 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 her examination-in-chief-affidavit that, she was born on 01.01.1959 at Ankanahalli Koppalu Village, Kasaba Hobli, Periyapatna Taluk, Mysuru District. During the course of her examination, Ex.P1 & P2 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 Notarized copy of Aadhar Card of petitioner. The documents furnished by petitioner, reveals that, the petitioner was born on 01.01.1959. Hence, this court did not find any reason to disbelieve the case of the petitioner. Therefore, considering the oral and documentary evidence on record, the Court held that the petitioner has 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 petitioner is hereby allowed.

The respondent is hereby directed to enter the date of birth of petitioner by name Shakirabi D/o late Buden Sharip(ಷಾಕೀರಾಬಿ ಬಿನ್ ಲೇ.ಬುಡೇನ್ ಪರೀಪ್), was born on 01.01.1959 at Ankanahalli Koppalu 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 **26th DAY OF MARCH, 2026.**)*

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

-: ANNEXURES :-

WITNESSES EXAMINED FOR PETITIONER:-

PW.1 : SHAKIRABI

DOCUMENTS MARKED FOR PETITIONER:-

Ex.P1 : Non-availability certificate

Ex.P2 : Notarized copy of Aadhar Card of petitioner

WITNESSES EXAMINED FOR RESPONDENT:- Nil

DOCUMENTS MARKED FOR RESPONDENT:- Nil

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