

MHPU080015562022



ORDER BELOW EXH. 1

Suvarna Ravi Nayak

... Applicant

Vs.

Deputy Registrar

Pune Municipal Corporation

Pune.

... Respondent

This is an application under Section 13 sub clause-3 of the Registration of Births and Deaths Act, 1969 (For short “Act”) to direct the Deputy Registrar, Births and Deaths Registration Department, Pune Municipal Corporation, Pune to take entry of birth of applicant's Son Sai Ravi Nayak.

2] It is contended that, the applicant sought her son's birth certificate from Pune Municipal Corporation, Pune. However, they have shown inability to give birth certificate on the ground that entries in the register are not legible/entry not available. She has contended that, her son is born on 26/01/2013 at Rajiv Gandhi Hospital, Bopodi, Pune. However, entry of her son's birth had not been registered within one year as provided by law. Therefore, she has filed present application. Accordingly, she has filed her affidavit in support of her contentions.

3] In this premise, it is prayed that necessary directions be

issued to the concern department to enter the name of applicant's son in the birth register maintained by them.

4] The respondent was duly served and filed say contending that their office had issued Non Availability Certificate on 29th December, 2022 in respect of birth certificate of the applicant's son. Further, the respondent has not objected for issuing birth certificate. The paper publication about this application has been published in daily news paper 'Punya Nagari' on 16th November, 2022 inviting objections if any, against this application. However, this court has not received any objections till today. Hence, the application has remained unchallenged.

5] Heard the learned Advocate for the applicant at length.

6] Having regards to the facts set out in the application, a limited question arises whether it is a fit case to issue directions to the concerned department to take entry of birth of the applicant's son in their register. It is needless to state that, as per Section 13(3), the Magistrate can order to take entry in the register of Birth and Death after verifying the correctness of the birth or death. In present matter to verify the correctness of birth date of the applicant's son, she has stated on oath that her son is born on 26/01/2013. The said contention is not challenged by any one. Therefore, as there is no one interested in disputing the application, there is no reason to disbelieve the contention of the applicant regarding applicant's son's birth date. She has also produced Non Availability Certificate of Pune Municipal Corporation along with list showing inability to give the birth certificate as there is no record of birth of applicant's son. Hence, this is a fit case to issue directions for taking entry in the Birth and Death Register of Pune Municipal Corporation, Pune. Therefore, it would be just and proper to direct Pune Municipal

Corporation, Pune to take entry of birth of the applicant's son in the register after payment of prescribed fee.

7] Thus, taking into consideration all these facts and circumstances coupled with the provisions under section 13 sub clause-3 of the Act, it would be just and proper to direct the concern department to take entry regarding the birth of the applicant's son in their record. It is needless to state that, entries regarding births and deaths is one of the important function. Therefore, it is always better to take entry in the register.

8] In the result, I am of the considered view that the application deserves to be allowed. In turn, I pass the following order.

O R D E R

- 1] The application is allowed.
- 2] Deputy Registrar, Births and Deaths Department of Pune Municipal Corporation, Pune is directed to take entry of birth of the applicant's son Sai Ravi Nayak who is born on 26/01/2013 in the birth register.
- 3] The applicant shall pay requisite fee before the concerned authority.

Date : 06/01/2023.

(Vrushali K. Patil)
Jt. Judicial Magistrate First Class,
Khadki, Pune.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file Judgment are same word for the word as per original Judgment.

Name of Steno :- Shri. P.D. Mane, Steno L.G.

Court Name :- Smt. Vrushali K. Patil.
Jt.Judicial Magistrate F.C.,
Khadki Pune.

Date of decision. :- 06.01.2023.

P. O. signed on :- 06.01.2023.