

**IN THE COURT OF THE XXV ADDL.CHIEF
METROPOLITAN MAGISTRATE, BANGALORE CITY.**

Dated this the 15th day of June , 2022.

**Present: Smt Sujata Sidagouda Patil,
B.SC.,LL.B.**

**XXV Addl. Chief Metropolitan Magistrate,
Bangalore.**

Crl.MISC.No.3607/2022

Petitioner :	D.S.Deepak , S/o.Somnath Dabole, Aged 23 years, R/at.No.08,Chick Bazar Road Near Shivajinagar Bus Stand, Shivajinagar, Bangalore 560051. (By SCM.- Advocate) - Vs -
Respondent :	The Registrar of Births & Death Office of the Commissioner BBMP, Bangalore.

ORDER

The Petitioner has filed the petition U/s.13(3) of Birth and Death Registration Act, 1969.

2. Brief facts of the Petitioner case is as follows :

The Petitioner by name **D.S.Deepak**, S/o.Somnath Dabole and Smt.S.L.Renuka was born on **21.11.1999** at No.08, Chick Bazar Road, near Shivajinagar Bus Stand, Shivajinagar, Bangalore 560051. **Due to lack of knowledge of legal procedure**, the date of birth of the **Petitioner** is not intimated to concerned authority. The said fact has come to the knowledge of the Petitioner recently. Immediately, the Petitioner approached the Respondent to issue the certificate. The Respondent **has** issued non-availability certificate.

The birth certificate of the **Petitioner** is necessary for **documentation purpose**. Therefore, the Petitioner is constrained to file the petition.

3. The notice served to the Respondent. The Respondent failed to appear before the court and not filed any objection. Therefore, the Respondent is placed *ex parte*.

4. Now, the following points arise for due consideration. :

1. Whether the Petitioner has made out sufficient grounds to allow the petition?
2. What order?

5. My findings on the above point is in the “**Affirmative**”, for the following :

: REASONS :

6.Point No.1 : The Petitioner has filed the petition against the Respondent U/s.13(3) of Birth and Death Registration Act. The Petitioner has contended that **he** was born **on 21.11.1999** at No.08, Chick Bazar Road, near Shivajinagar Bus Stand, Shivajinagar, Bangalore 560051. It is further contended that the fact of **birth** is not reported to the Respondent due to **lack of knowledge of legal procedure**. In support of the petition contention, the Petitioner **himself** examined as PW 1 and reiterated the petition averments. The Respondent has not chosen to file objections. Therefore, the oral evidence of PW1 remains unchallenged.

7. In support of the oral evidence, the Petitioner has produced the Notarized copies of the **Aadhar Card and PAN Card as Ex.P2 and Ex.P.3**. The documents on record clearly reveal that the **Petitioner** was born **on 21.11.1999**. Admittedly, the date of birth is not mentioned in the concerned register. The Commissioner

has issued non-availability certificate. That document is marked as [Ex.P.1](#).

8. The birth of the [Petitioner](#) is not in dispute. The date of birth is not mentioned in the concerned register. The Petitioner has given specific explanation for non-reporting the said fact. In such circumstances, the Petitioner has proved the petition averments. There is no ground to reject the Petitioner contention. The Petitioner has produced relevant documents in support of his date of birth. [Therefore](#), the Petitioner has made out sufficient grounds to allow the petition. Accordingly, my answer to Point No.1 is in the Affirmative.

9. Point No.2: In view of the aforesaid reasons, I proceed to pass the following:

ORDER

The petition filed by the Petitioner U/S 13(3) Registration of Birth and Death Act is hereby allowed.

The respondent is hereby directed to enter the birth of Petitioner by name [D.S.Deepak](#), S/o.Somnath Dabole and Smt.S.L.Renuka at No.08, Chick Bazar Road, near Shivajinagar Bus Stand, Shivajinagar, Bangalore 560051 as [21.11.1999](#) and issue birth certificate thereon to the Petitioner after collecting late requisite fee.

(Dictated to the Stenographer directly on the computer and print out taken by her, corrected and signed by me and then pronounced in the open Court on this [the 15th day of June, 2022](#)).

(SUJATA SIDAGOUDA PATIL)
XXV A.C.M.M., BANGALORE

ANNEXURE

List of Witnesses examined for the Petitioner :

PW.1 : D.S.Deepak

List of Witness examined for the Respondent :

Nil

List of Documents marked for the Petitioner :

Ex.P1 : Endorsement issued by the Commissioner,
BBMP.

Ex.P2 : N.C. of Aadhaar Card.

Ex.P3 : N.C. of PAN Card .

List of Documents marked for the Respondent :

Nil

(SUJATA SIDAGOUDA PATIL)
XXV A.C.M.M., BANGALORE.