

KASM310038012026



Presented on : 21-05-2026
Registered on : 21-05-2026
Decided on : 12-06-2026
Duration : 00 years, 00 months,
23 days

**IN THE COURT OF THE II ADDITIONAL CIVIL JUDGE & JMFC,
AT : BHADRAVATHI.**

PRESENT: **SMT.CHETHANA, B.A.,L.L.B.**
II Additional Civil Judge & JMFC,
Bhadravathi.

Cri.Misc.No.325/2026

DATED THIS THE 12th DAY OF JUNE, 2026

Petitioner/s : Smt. Nagina Banu,
D/o. Baba Jan Sab,
W/o. Kaleel,
Aged about 67 years,
R/at: Jande katta road,
Syed colony, Old town,
Bhadravathi.

(By Sri. R. A., Advocate)

V/s

Respondent/s : The Births and Deaths Registrar,
City Municipal Council, Bhadravathi.

(Ex-parte)

ORDERS ON MAIN PETITION

This is a petition filed by the petitioner under Section 13(3)
of the Registration of Births and Deaths Act, seeking direction from

this court to the respondent to enter the date of birth of petitioner by name Smt. Nagina Banu D/o. Baba Jan Sab, as per petition, who was born on 01.01.1958 in the Register maintained by the Respondent.

2. The notice was issued to the Respondent. In spite of service of said notice, Respondent remained absent.

3. The inquiry under Section 13(3) Births and Deaths Act was conducted.

4. The petitioner got herself examined as PW.1 and got marked 4 documents at Exs.P.1 to 4.

5. Heard the Petitioner's counsel.

6. Perused the materials on record.

7. The following points that arise for the consideration of this Court:

1] Whether the Petitioner proves that, she was born on 01.01.1958?

2] What order?

8. The above points are answered as follows:

Point No.1 : In the Affirmative

**Point No.2 : As per final order
for the following;**

REASONS

9. **Point No.1:-** It is the case of the petitioner that, the respondent authorities have not entered her date of birth inspite of intimation, hence this petition.

10. Ex.P1 is the acknowledgment issued by respondent with respect to non-availability of entry regarding birth of petitioner in the concerned register; Exs.P2 to 4 are respectively the notarized copies of Aadhar card, PAN card and Voter ID of petitioner.

11. The petitioner got herself examined as PW.1 and filed affidavit in lieu of her examination in chief. It has been contended in the said affidavit that, the petitioner was born on 01.01.1958.

12. It is further contended that, the birth of the petitioner was intimated orally to the respondent and the respondent has not entered the same.

13. The Petitioner has made the Registrar of Births and Deaths, City Municipal council, Bhadravathi, as party to the aforesaid proceeding.

14. The petitioner has further contended that, when she approached the respondent, the respondent has issued non-

availability certificate by stating that, her date of birth is not registered. The non-availability certificate issued by the respondent is marked as Ex.P1 and the same could be made out by its' perusal.

15. The petitioner has also produced Aadhaar Card, PAN card and Voter identity card as per Exs.P2 to 4 to prove her case under Section 13(3) of Registration of Births and Deaths Act 1969 and under Rule 3 of Karnataka registration of Births and Deaths Rules 1999. Exs.P2 to 4 reveal the date of birth of petitioner as 01.01.1958 and it supports the case of Petitioner. The date of birth of petitioner was entered in Exs.P.2 to 4 at an undisputed point of time. Hence, reliance can be placed on the said documents in the present case.

16. This court has held due inquiry and in the due inquiry, it was found that, the petitioner require her birth certificate for getting passport and for other purposes. Hence, this court is of the opinion that, all the reasons/grounds stated under Section 13(3) of Registration of Births and Deaths Act, is duly complied by the Petitioner. Hence, this Court proceed to pass the following:

ORDER

The respondent is hereby directed to enter the date of birth of Petitioner **Smt. Nagina Banu D/o. Baba Jan Sab**, as on **01.01.1958** at Jande

Katta road, Syed colony, Old Town, Seegebagi, Bhadravathi in the concerned Birth Register, after deposit of requisite fee if any and issue extract to that effect in favour of the petitioner.

The said entry shall not be a conclusive proof of birth and in case of any dispute, there existing on birth, the entries shall be subject to proof.

(Dictated to the Stenographer directly on computer, typed by him, corrected by me and then pronounced in the open court on this the **12th day of June, 2026**)

(SMT.CHETHANA)

II Addl. Civil Judge & JMFC,
Bhadravathi.

ANNEXURE

Witness examined for petitioner:-

PW.1 : Smt. Nagina Banu

Exhibits/Documents marked for the petitioner:-

Ex.P1 : Non-availability certificate
Ex.P2 : Notarized copy of Aadhaar card of petitioner
Ex.P3 : Notarized copy of PAN card of petitioner
Ex.P4 : Notarized copy of Voter ID of petitioner

Witness/Exhibits/documents marked for the respondent:-

- Nil -

(SMT.CHETHANA)

II Addl. Civil Judge & JMFC,
Bhadravathi.

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