

KASM410015972026



**IN THE COURT OF PRL. CIVIL JUDGE & J.M.F.C.,
THIRTHAHALLI.**

Present : **Geethamani, .B.A., LL.B.,**
C/c Prl. Civil Judge & J.M.F.C.,
Thirthahalli.

Dated this the 11th day of August, 2026

Crl.Mis.No.179/2026

PETITIONER :

Riyaz Ahammed,
S/o Ismail Aga,
Aged about 67 years,
R/o Sharipha Ismail Manzil,
Raktheshwari Katte
Margabramhawara Post,
Udupi.

(By Sri. H.S.S., Adv.)

V/s.

RESPONDENT :

Chief Registrar of Births and
Deaths, Town Pachayath,
Thirthahalli Taluk

(Exparte)

ORDER

Petition is filed under section 13(3) of registration of
Birth and Death Act by the petitioner seeking the birth
certificate of petitioner by name **Riyaz Ahammed S/o**

Ismail Aga, aged about 67 years, who was born on 24.04.1959 at his residential house situated at A.K. Colony, Soppugudde, Thirthahalli Post, Thirthahalli Taluk, Shivamogga District.

2. Petitioner asserted that, the petitioner by name Riyaz Ahammed S/o Ismail Aga, aged about 67 years, who was born on 24.04.1959 at his residential house situated at A.K. Colony, Soppugudde, Thirthahalli Post, Thirthahalli Taluk, Shivamogga District. By oversight and inadvertence, the date of birth of the petitioner was not brought to the notice of the respondent. As soon there non registration in the concern register maintained by the respondent at the time of birth the birth of petitioner was not recorded in the register of births at the relevant time. When the petitioner has applied for issue birth certificate to the respondent, then the respondent has issued non-availability certificate on 06.05.2026 by stating there is no entry of date of birth of petitioner in the respondent authority. The birth certificate of

petitioner is required for government records, passport etc. Hence, he filed this petition.

3. After registration of petition notice was issued to the respondent. In spite of service of notice respondent remained absent and hence, placed *ex parte*.

4. Following points arise for consideration.

POINTS

1. Whether petitioner is entitled for the relief sought?

2. What Order?

5. To prove his case, the petitioner was examined himself as PW-1 and documents Ex.P.1 was marked. No evidence from the side of respondent.

6. Heard, learned advocate for petitioner.

7. Answer to the above points is as follows:

Point No.1: In the Affirmative;

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

REASONS

8. **Point No.1:-** The petitioner asserted that, petitioner by name Riyaz Ahammed S/o Ismail Aga, aged about 67 years, who was born on 24.04.1959 at his

residential house situated at A.K. Colony, Soppugudde, Thirthahalli Post, Thirthahalli Taluk, Shivamogga District. Date of birth was not registered in the office of respondent. The birth certificate of the petitioner is necessary for government records and passport etc.

9. To demonstrate his case petitioner filed affidavit evidence reiterating petition averments. He specifically stated that, petitioner by name Riyaz Ahammed S/o Ismail Aga, aged about 67 years, who was born on 24.04.1959 at his residential house situated at A.K. Colony, Soppugudde, Thirthahalli Post, Thirthahalli Taluk, Shivamogga District. Due to lack of knowledge the petitioner and his family members not intimate the date of birth of Riayz Ahammed and it is not registered in the office of respondent. He applied for his birth certificate, but respondent has issued a non-availability certificate stating that, the date of birth of Riyaz Ahammed is not registered.

10. To support his verbal evidence, he placed reliance on document Ex.P-1 is non-availability certificate

dated 06.05.2026 issued by the respondent stating that the date of birth of Riyaz Ahammed is not entered in the concerned register. Verbal and documentary evidence relied by the petitioner remained intact, as the respondent failed to contest the petition. Absolutely there is no reason to disbelieve or discard the evidence of petitioner. The unchallenged proof clearly demonstrates that the date of birth of petitioner is not registered in the office of respondent and it is require to be registered. Hence, above point is answered in **affirmative**.

11. **Point No.2:** By virtue of above findings court proceeds to pass the following:

ORDER

The petition filed by the petitioner U/Sec. 13(3) of the Registration of Births and Deaths Act is allowed.

Respondent is directed to enter the date of birth of petitioner by name Riyaz Ahammed S/o Ismail Aga, aged about 67 years, who was born on 24.04.1959 at his residential

house situated at A.K. Colony, Soppugudde,
Thirthahalli Post, Thirthahalli Taluk,
Shivamogga District in the concerned register
and issue birth certificate after collecting the
necessary fees.

*(Dictated to the Stenographer directly on computer, generated
through computer by her, corrected and then pronounced by me in the
open court on this 11th day of August, 2026)*

(Prabhavathi S.)
I Addl. Civil Judge & J.M.F.C.,
Thirthahalli.

:: ANNEXURE ::

List of witnesses examined on behalf of petitioner:

PW-1 : Riyaz Ahammed

List of documents exhibited on behalf of petitioner:

Ex.P.1 : Non-availability certificate.

List of witnesses examined on behalf of respondent:

:Nil:

List of documents exhibited on behalf of respondent:

:Nil:

(Geethamani)
C/c Prl. Civil Judge & J.M.F.C.,
Thirthahalli.

**(Orders pronounced in open court vide
separate)**

ORDER

The petition filed by the petitioner
U/Sec. 13(3) of the Registration of Births
and Deaths Act is allowed.

Respondent is directed to enter the date of birth of petitioner by name **Riyaz Ahammed S/o Ismail Aga, aged about 67 years, who was born on 24.04.1959 at his residential house situated at A.K. Colony, Soppugudde, Thirthahalli Post, Thirthahalli Taluk, Shivamogga District** in the concerned register and issue birth certificate after collecting the necessary fees.

(Geethamani)
C/c Prl. Civil Judge & J.M.F.C.,
Thirthahalli.