

KASM620010772026



Presented on : 04-06-2026
Registered on : 04-06-2026
Decided on : 20-06-2026
Duration : 0 years, 0 months, 16 days

**IN THE COURT OF PRINCIPAL CIVIL JUDGE
AND JMFC AT SAGARA.**

Dated this the 20th day of June 2026.

:Present:

Sri.Madhesha M.V, B.Com., LL.B,
Prl. Civil Judge & J.M.F.C.,
Sagar.

Crl.Mis.No.119/2026

PETITIONER:

Amaranath S/o. Shankar,
Aged about 36 years,
R/o. 7th Cross, Analekoppa,
Sagar Town, Shivamogga District.

(By Sri. V.S., Advocate)

Verses.

RESPONDENT:

Commissioner,
Registrar of Birth and Deaths,
City Municipal Council,
Sagar Taluk, Sagara,

(By Sri. M.R., Advocate)

ORDER

The petitioner has filed the present petition U/Sec.13 (3) of the Registration of Births and Deaths Act seeking a direction to the respondent to enter the date of birth of son of petitioner and issuance of birth certificate.

2. *Background facts in a nutshell are as under:*

It is the case of the petitioner that his son by name Advith A. S/o. Amaranath who born on 26-01-2020 at his parents house situated at Analekoppa, Sagar Town, Shivamogga District. The petitioner has orally informed the birth fact of son of petitioner to the respondent, but the respondent authority did not made entries in the concerned records of Birth and Death. When he approached the respondent for issuance of birth certificate, the respondent has issued an endorsement stating that, there is no entry regarding the birth fact of son of petitioner. Therefore, the petitioner has approached this Court with the present petition.

3. Upon service of notice, respondent appeared through its counsel and filed objection by denying the petition averments as false and further stated that the petitioner has not furnished birth details of the son of petitioner either orally or literally to the respondent office. If any person is born in any hospital of the city, the information comes from the respective hospital to the respondent office, on that basis the respondent would register the date of birth in the concerned register. This is the correct procedure for

registering the birth fact in the concerned register. Secondly, when any person is born in any house of the town limit, if the concerned parties informed the respondent office, then the respondent office would take appropriate steps to register the fact of birth in the concerned register by conducting proper enquiry. But, the petitioner has failed to do so, hence, prays for dismissal of the petition.

4. Trial consisted of examination of Petitioner, the petitioner has examined himself as PW1 and got marked Ex.P1 i.e. the Non-Availability Certificate and Ex.P2 is the Notarized copy of Aadhar card, shows that the petitioner's son date of birth is 26-01-2020 and closed from petitioner's side. None were examined on behalf of Respondent.

5. Heard learned Counsel for petitioner and respondent at length.

6. Upon hearing arguments on both sides and on perusal of materials placed on records, following points arise for consideration.

1. Whether the Petitioner has made out grounds for allowing the Petition?
2. What Order?
7. My findings to the above points are as under:

POINT NO.1: In Affirmative

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

:: REASONS ::

8. **POINT NO.1:** In order to prove the case of petitioner, petitioner is examined himself as PW.1 and reiterated the petition contents in his examination-in-chief affidavit. On the contrary respondent has filed his objections by denying the petitioner averments but not produced any documents to show that petitioner has filed false petition. Therefore, there is no reason to disbelieve the evidence given by petitioner.

9. It is also trite that in a proceeding Under Section 13(1) (3) of Registration of Births and Deaths Act, Court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by **Hon'ble High Court of Karnataka in 2000(4) KCCR 2674 (State of Karnataka V/S Smt. Annakk)**, which reads thus:

“REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 - Section 13(3) - Direction to make an entry in the Birth Register by the Magistrate-Challenged on the ground, that except the statement of applicant on oath there was no other material.

Held: The Magistrate in a proceeding Under Section 13(3) only ascertains the birth of the child and date is not the material consideration,

as such directions bind only the Registration Office under the Act to make an entry and does not carry higher probative value."

10. Reverting to the factual matrix of the present case, petitioner has stated in the petition as well as in the examination-in-chief affidavit that the son of petitioner was born on 26-01-2020 at his parents house situated at Analekoppa, Sagar Town, Shivamogga District. Hence, in the light of principles emerge from the decision referred above, petition is required to be allowed. Hence, I answer the Point No.1 in **Affirmative**.

11. **POINT NO.2:-** For the foregoing reason I Proceed to pass the following:

:: ORDER ::

Petition filed Under Section 13(3) of Registration of Births and Deaths Act, 1969 by the petitioner is hereby allowed.

Respondent is directed to enter the birth details of son of petitioner by name Advith A. S/o. Amaranath as on **26-01-2020** at his parents house situated at Analekoppa, Sagar Town, Shivamogga District in the concerned records and to issue birth certificate to the petitioner after collecting

necessary fee and fine.

No order as to costs.

(Dictated to stenographer directly on computer, typed by her, corrected by me and then pronounced in the open court this 20th day of June 2026).

(Madhesha M.V)
Prl. Civil Judge & JMFC
Sagar.

ANNEXURES

1. **WITNESSES EXAMINED ON BEHALF OF PETITIONER:**

PW.1:- Amaranath S/o. Shankar.

2. **WITNESSES EXAMINED ON BEHALF OF RESPONDENT:**

-NIL-

3. **DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:**

Ex.P1- Non-Availability Certificate.

Ex.P2 - Notarized copy of Aadhar card.

4. **DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT:**

-NIL-

**Prl. Civil Judge & JMFC
Sagar.**