

KASM620009172026



Presented on : 16-04-2026

Registered on : 16-04-2026

Decided on : 24-06-2026

Duration : 0 years, 2 months, 8 days

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

Dated this the 24th day of June 2026.

:Present:

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

Crl.Mis.No.92/2026

PETITIONER:

Mustak Ahamed
S/o. Abdul Vahabasab,
Aged about 39 years,
R/o. S.N. Nagar New Extension,
Sagar Town, Shivamogga District.

(By Smt. S.G.P./B.R.P., Advocate)

Verses.

RESPONDENT:

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

(By Sri. M.R., Advocate)

O R D E R

Petitioner has filed this petition Under Section 13(1)
(3) of Registration of Births and Deaths Act, 1969 seeking

direction to respondent to enter the birth date of the petitioner and to issue birth certificate.

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

It is the case of the petitioner by name Mustak Ahamed S/o. Abdul Vahabasab that the petitioner was born on 15.04.1987 at his parents house situated at S.N. Nagar New Extension, Sagar Town, Shivamogga District. At the time of birth of petitioner, the parents of petitioner has orally informed the birth fact of petitioner to the respondent office, but the concerned authority has not entered the birth particulars in to concerned records and issued non availability certificate. The petitioner is in need his birth certificate, so petitioner applied to the Respondent to furnish birth certificate of petitioner. But the respondent has issued non-availability certificate. Hence, this petition.

3. Upon service of notice, respondent appeared through his counsel and filed his objection by denying the petition averments and further stated that the petitioner has informed the birth details of petitioner on orally to the concerned department. But, it is not the correct procedure for obtaining the Birth Certificate, because there is a

procedure in a proscribed manner for getting such Birth Certificates for the concerned department through giving application in a written manner, therefore petitioner has failed to do so, hence prayed to dismiss the application.

4. Trial consisted of examination of Petitioner, the petitioner has examined himself as PW1 and got marked Ex.P.1 i.e. the Non-Availability Certificate, Ex.P2 is the Notarized copy of Transfer Certificate and Ex.P3 is the Notarized copy of Aadhaar card, shows that the petitioner's date of birth is 15-04-1987 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 his petition as well as in his examination-in-chief affidavit that petitioner was born on 15-04-1987 at his parents house situated at S.N. Nagar New Extension, 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 the petitioner by name Mustak Ahamed S/o. Abdul Vahabasab who born on **15-04-1987**

at his parents house situated at S.N. Nagar New Extension, 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 24th day of June 2026).

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

ANNEXURES

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

PW.1:- Mustak Ahamed S/o. Abdul Vahabasab.

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 Transfer Certificate.

Ex.P3 - Notarized copy of Aadhaar card.

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

-NIL-

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