



**IN THE COURT OF Prl.CIVIL JUDGE & J.M.F.C., AT
CHIKKANAYAKANAHALLI**

Present: Sri. Yashwanth Kumar K., B.A., LL.B.,
Prl.Civil Judge and J.M.F.C.,
Chikkanayakanahalli.

Crl.Misc.No.115/2026

Dated: this 23rd day of June- 2026

Petitioner : Aliyan Pasha S/o Mujid Pasha,
Aged about 19 years,
Ward No.23, Maruti Nagara,
C.N.Halli Town and Taluk,
Tumakuru District.

(By Sri.C.M.R, Advocate)

V/s

Respondent: The Chief Officer,
TMC, Chikkanayakanahalli Town.

(Ex-parte)

**ORDERS ON PETITION FILED U/SEC.13(3) OF THE
REGISTRATION OF BIRTHS AND DEATHS ACT-1969**

The Petitioner has filed the instant petition seeking directions to the respondent to enter his date of birth and for issuance of birth certificate.



2. **The Petition averments in brief:-**

The Petitioner was born on 28.07.2007 at Udevu Beedi, Chikkanayakanahalli Town and Taluk, Tumkuru District. Immediately, the same was informed to the respondent orally by the parents of the petitioner, but the same was not entered in the register. In order to get the birth certificate, the petitioner submitted an application to the respondent, but the said authority issued non-availability certificate on 13.03.2026. Now, birth certificate is required for the Aadhar card correction purpose of the petitioner. Hence, this petition.

3. In spite of service of notice, the respondent remained absent and placed ex-parte.

4. In order to substantiate the claim, the petitioner examined as PW-1 and got marked Ex.P1 to P4. In view of ex-parte of respondent, cross-examination of PW-1 and the respondent evidence is taken as nil.

5. Heard arguments.

6. Having perused the materials on record, following points that arises for my consideration;



POINTS

1. Whether the petitioner is entitled to the relief as claimed?

2: What order?

7. My findings on the above points as follows:

Point No.1 : In the ***Affirmative***

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

REASONS

8. **Point No.1:-** The Petitioner was born on 28.07.2007 at Udevu Beedi, Chikkanayakanahalli Town and Taluk, Tumkuru District and the same was informed to the concerned authority within time, but not entered in the register. Now, birth certificate of the petitioner is required for his Aadhar card correction purpose. Upon application to the respondent, non-availability certificate is issued.

9. In order to prove the case, the petitioner got examined as PW-1 and got marked Ex.P1 to P4. Ex.P1 is Non-availability certificate issued by the respondent, Ex.P2 is Notarized copy of School certificate, Ex.P3 is the Aadhar Card, Ex.P4 is the C/c of SSLC marks card. The Respondent was placed ex-parte. The oral evidence



of PW-1 is justified by the documentary evidence on record and remains unchallenged. Ex.P2 is sufficiently proves the date of birth of the petitioner is 28.07.2007. Ex.P1 proves the non-availability of entry of his date of birth in the concerned records. When claim of the petitioner is remains unchallenged, then there is no other option except to accept the claim of the petitioner. The presumption can be drawn regarding facts stated on oath. The reasons assigned by the petitioner is bonafide one. By considering the purpose for which he required birth certificate, it is proper to direct the respondent accordingly. Therefore, the petitioner is entitled to the relief as claimed. Hence, I **answer the point No.1 in the AFFIRMATIVE.**

10. Point No.2: In view of the findings given to point No.1, I pass the following;

-:: O R D E R ::-

Petition filed by the petitioner under Section 13(3) of Registration of Births and Deaths Act is hereby ALLOWED.

In the result, the respondent is hereby directed to register the event of date of birth of the petitioner by name Aliyan Pasha S/o. Mujid Pasha who born on



**28.07.2007 at Udevu Beedi,
Chikkanayakanahalli Town and Taluk,
Tumkuru District and issue Birth
Certificate accordingly after collecting
necessary charges.**

*(Dictated to the Stenographer directly on the computer,
corrected by me and then pronounced in the open court, this 23rd day
of June-2023)*

**(Yashwanth Kumar K)
Prl. Civil Judge & J.M.F.C.,
Chikkanayakanahalli.**

ANNEXURE

WITNESSES EXAMINED FOR THE PETITIONER:

PW-1 : Aliyan Pasha 18.06.2026

WITNESSES EXAMINED FOR THE RESPONDENT:

-NIL-

DOCUMENTS EXHIBITED FOR THE PETITIONER:

Ex.P1 : Non Availability Certificate
Ex.P2 : C/c of School certificate
Ex.P3 : Notarized copy of Aadhaar card.
Ex.P4 : C/c of SSLC marks card



DOCUMENTS EXHIBITED FOR THE RESPONDENT:

-NIL-

sd/-
**Prl. Civil Judge & J.M.F.C.,
Chikkanayakanahalli.**