

ORDER

This is a petition filed by the petitioner u/sec. 13(3) of Registration of Births and Deaths Act of 1969.

2.The case of the petitioner that his daughter is minor, petitioner is the natural guardian represented on behalf of petitioner. It is further stated that the petitioner by name LAKSHITHA.K D/o.Sri. KANNAN.K and Smt.GEETHA.K is born on 28.12.2009 at No.36/1, I Floor, 3rd Cross, Srirampuram, Bengaluru - 21. Due to ignorance of procedure the petitioner's parents did not inform the date of birth to the respondent. Now the petitioner is in need of birth Certificate for his bonafide use. When the petitioner approached the respondent seeking a birth certificate, then the respondent issued an endorsement. Hence, the petitioner has sought for an order directing the respondent to register the date of birth of petitioner in the birth register.

3.After registering the petition, notice has been issued to the respondent. The notice has been duly served to the respondent, but the respondent remained absent. Hence, he has been placed ex-parte.

4.In order to substantiate his claim the petitioner has filed an affidavit in lieu of evidence.

5.Heard the arguments and perused the evidence on record.

6.The points arose for my consideration are:

1. Is it just and necessary to issue direction as sought against the respondent?
2. What order?

7. My finding on the above points are as under;

Point No.1 : In the affirmative;
Point No.2 : As per final order,
for the following:

REASONS

8.Point No.1:- It is established from the mouth of PW-1 that the petitioner is resident of Bangalore. The petitioner by name LAKSHITHA.K D/o.Sri. KANNAN.K was born on 28.12.2009. The Non-availability certificate i.e., Ex.P1 issued by the respondent discloses that the date of birth of petitioner was not registered in the concerned register maintained by the respondent. Now the respondent has no authority to register the date of birth of petitioner due to inordinate delay. It appears that the parents of petitioner due to lack of knowledge of procedure laid down under the registration of births and deaths Act 1969 failed to inform the concerned registering authority within stipulated period. Now the petitioner is in need of birth Certificate for his bonafide use.

9. The petitioner himself examined as P.W.1 and got marked Ex.P.1 to P.4 documents. The Ex.P.1 is the Original non-available

certificate, Ex.P.2 is the original Study Certificate Ex.P3 and Ex.P4 are the notarized copies of Adhar Cards, wherein the date of birth of petitioner is shown as 28.12.2009 at Ex.P2 and her name is also mentioned.

10.Perused the same. The testimony of this petitioner and the documents relied by the petitioner has remained unchallenged by the Respondent. The documents produced by the petitioner shows that the actual date of birth is 28.12.2009. So there is no hurdle to direct the respondent to enter the date of birth of the petitioner in the birth register. Hence, at the option of the petitioner, the petition requires to be allowed on payment of requisite fee. Accordingly, I answer point No.1 in the affirmative.

11.Point No.2: In the result, I proceed to pass the following:-

ORDER

Petition is allowed. The respondent is hereby directed to register the date of birth of **LAKSHITHA.K D/o.Sri. KANNAN.K and Smt.GEETHA.K . who born on 28.12.2009** at No.36/1, I Floor, 3rd Cross, Srirampuram, Bengaluru - 21, after collecting late fee and penalty.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the August 9, 2020.)

(SHANKARAPPA B.MALASHETTI)
XXXI ACMM, BANGALORE.