

**IN THE COURT OF THE XXVI ADDL. CHIEF METROPOLITAN
MAGISTRATE, AT BENGALURU**

Dated this the 30th day of August 2021

Present: Sri.C.S.SHIVANAGOUDRA, B.COM., LLM
XXVI Addl. Chief Metropolitan Magistrate,
Bengaluru.

Crl. Misc. No. 2849/2021

Petitioner: Zaiba Banu,
D/o. K.Makbool Ali & Sirajunnisa,
Aged about 25 years,
No.414, 14th A Cross,
Iliyas Nagar, J P Nagar,
Bangalore – 560 078
(By Harisha J- Adv)

- Vs -

Respondent The Commissioner
Registrar Births and Deaths,
BBMP,
Bengaluru.

ORDER

The petitioner filed a petition U/s. 13(3) of Registration of Births and Deaths Act 1969, seeking direction to the respondent to enter her date of birth in the register maintained by the respondent.

2. The brief facts of the petitioner's case is as follows:-

The petitioner was born on 26.06.1996. Petitioner's parents have not registered her date of birth in the records of Corporation of

the City of Bengaluru. Now the petitioner is in need of her birth certificate. For the same when petitioner has approached the respondent, the office of the respondent reported that the event of birth of petitioner is not registered. Hence, the petitioner filed the present application.

3. Summons issued to the Respondent. Despite service of notice, Respondent did not appear. Accordingly, Respondent placed ex-parte.

4. The Petitioner got herself examined as PW-1 and got marked Ex.P-1 to Ex.P3.

5. Heard both sides

6. The following points arise for my consideration:

1) Whether petition deserves to be allowed?

2) What order?

7. My answer 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 :-** The petitioner deposed before the court that, petitioner was born on **26.06.1996 at No.414, 14th A Cross, Iliyas Nagar, J P Nagar, Bangalore – 560 078** in this regard she has

produced Non availability Certificate issued by BBMP as per Ex.P1, notary attested copy of Aadhar Card as per Ex.P2 and notary attested copy of Study certificate as per Ex.P3. Similarly, the event of birth of the petitioner is not registered in the office of the respondent is clear from the contents of Ex.P1. In order to prove her date of birth, petitioner has produced Ex.P2 and 3 i.e. notarized copy of aadhar card and notarized copy of study certificate. I have perused the said documents, the date of birth of the petitioner is mentioned as 26.06.1996, even though the notice served on respondent, the respondent has not contested the case. There are no grounds to disbelieve case of the petitioner. Therefore, I am of the opinion that the petitioner has made out a case for issue of direction to the respondent to enter the date of birth of **ZAIBA BANU D/O. K MAKBOOL ALI AND SIRAJUNNISA born on 26.06.1996 at No.414, 14th A Cross, Iliyas Nagar, J P Nagar, Bangalore – 560 078** in the register of the births maintained by the respondent. Considering these aspects, I answered Point No.1 in the Affirmative.

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

ORDER

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

The respondent is hereby directed to make necessary entries in the register maintained in the office of the respondent to the effect that the petitioner by name **ZAIBA BANU D/O. K MAKBOOL ALI AND SIRAJUNNISA** born on **26.06.1996** at **No.414, 14th A Cross, Iliyas Nagar, J P Nagar, Bangalore – 560 078** .

The respondent is at liberty to collect the late Registration fee.

(Computer on-line dictation given to the Stenographer and print out taken by her is verified and then pronounced by me in the open Court on this the 30th Day of August 2021).

XXVI Addl. Chief Metropolitan
Magistrate, Bengaluru City.

ANNEXURE

List of witnesses examined on behalf of the petitioner:

PW.1 Zaiba Banu

List of documents exhibited on behalf of the petitioner:

Ex.P.1 Non-availability Certificate
Ex.P.2 & 3 Notary attested copy of Aadhar card and Notary
attested copy of study certificate

List of witnesses examined and documents exhibited on behalf of the respondent :

Nil.

XXVI Addl. Chief Metropolitan
Magistrate, Bengaluru City.

30.08.2021

(Vide separate order pronounced in the Open Court)

ORDER

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

The respondent is hereby directed to make necessary entries in the register maintained in the office of the respondent to the effect that the petitioner by name **ZAIBA BANU D/O. K MAKBOOL ALI AND SIRAJUNNISA** born on **26.06.1996** at **No.414, 14th A Cross, Iliyas Nagar, J P Nagar, Bangalore – 560 078** .

The respondent is at liberty to collect the late Registration fee.

XXVI Addl. Chief Metropolitan
Magistrate, Bengaluru City.