

KATK630009582026



**IN THE COURT OF THE ADDL.CIVIL JUDGE &
J.M.F.C, AT MADHUGIRI**

Crl.Misc.No.165/2026

**PRESENT: SMT. ROHINI.J., B.Com. LL.B,
Addl. Civil Judge & J.M.F.C.
Madhugiri.**

DATED ON THIS THE 01st DAY OF JULY 2026

PETITIONER:

Smt. Nagabindu V N
D/o Nagendra Prasad V T
Aged about 30 years,
R/o 3rd Block, Kodigenahalli Village,
Madhugiri Taluk.

(By Sri.R.V.S Advocate)

RESPONDENT:

The Deputy Tahasildar
Kodigenahalli Hobli.
Madhugiri Taluk.

(Respondent Placed Exparte)

ORDER

The petitioner has filed this petition under section 13(3) of the Registration of Births & Deaths Act, 1969 for registration of date of birth of the petitioner namely Nagabindu V N D/o Nagendra Prasad V T in the Register of Birth as 25.06.1996.

2. The brief facts of the case of the petitioner is that the petitioner was born on 25.06.1996 at her residential house in

Kodigenahalli village. After the birth of the petitioner the same was orally intimated to the respondent. By oversight or inadvertence the name and birth date of petitioner was not mentioned in the respondent office. The Respondent after verifying the records not found any entry of date of birth of the petitioner and issued an endorsement for non-availability of date of birth of the petitioner on 30.05.2026. The petitioner is in need of her birth certificate for VISA and Passport. Hence the petitioner has filed this petition with a prayer to issue direction to the respondent to enter the date of birth of the petitioner as 25.06.1996.

3. After registering the petition, notice has been issued to the respondent. The respondent in spite of service of notice failed to appear before this Court. Hence, respondent is placed ex-parte.

4. In order to prove the case of the petitioner, the petitioner entered the witness box and gave evidence as PW1 and got marked 3 documents and closed her evidence. In the present case the respondent remained absent. Hence, evidence adduced by the PW1 remained unchallenged and unrebutted.

5. Heard arguments of counsel for the petitioner. Upon hearing the arguments and perusing the material on record, the following points arises for my consideration:

POINTS

- i) Whether the petitioner is entitled for the direction as prayed for?
- ii) What order?

6. My answer to the above points as hereunder:

Point No.1: In the Affirmative

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

R E A S O N S

7. **Point No.1:-** It is the specific case of the petitioner that the petitioner was born on 25.06.1996 in her residential house in Kodigenahalli village. After the birth of the petitioner same was orally intimated to the respondent. Further contended that inspite of oral intimation, the respondent neglected to enter the date of birth of the petitioner in the Register of Birth. Further it is the case of the petitioner that the petitioner is in need of her birth certificate for the purpose VISA and passport and had approached the respondent office. The Respondent after verifying the records having not found any entry of date of birth of the petitioner issued an endorsement for non-availability of date of birth of petitioner on 30.05.2026.

8. The PW1 in the examination-in-chief re-iterated the petition averments and produced the documents which are marked as per Ex.P1 to Ex.P3. Ex.P1 is the non-availability certificate issued by the respondent Ex.P2 is the certified copy of the S.S.L.C marks Card and Ex.P.3 is copy of the Adhar Card, On perusal of Ex.P1 to Ex.P.3 it goes to show that date of birth of the petitioner is not entered in the register of birth and date of birth of petitioner is 25.06.1996 as per Ex.P1 to Ex.P3 and same is in consonance with the petition averments and oral evidence of PW1. Hence oral and documentary evidence adduced by the PW1 is found trustworthy. That apart the oral and documentary evidence adduced by the PW1 remained unchallenged.

9. In the light of judgment rendered by Hon'ble High Court of Karnataka in the case of **Devamma Vs Regisrar, Births and Deaths, Mysore**, reported in **AIR 2004 KAR 221** observed that, the correctness or otherwise of the date of birth concerned is totally irrelevant in the proceedings under section 13(3) of Registration of Births and Deaths Act, 1969 and it is only the fact of birth that is relevant.

10. In the present case there is no dispute with regard to birth of the petitioner and the respondent has issued non-availability certificate of date of birth of the petitioner in the register of birth. Further if the petition is allowed no injustice or hardship would be caused to the anybody. On the contrary if the petition is rejected, it will affect the rights of the petitioner and cause serious hardship to the petitioner. Therefore, the petitioner is entitled for direction as prayed for. **Hence, I answer point No.1 in the affirmative.**

11. **Point No.2:-** In view of my findings on the point No.1 and for the reasons assigned thereon, I proceed to pass the following:

ORDER

The petition filed by the petitioner under section 13(3) of the Registration of Births and Deaths Act is allowed.

The respondent is directed to enter the date of birth of the petitioner namely Nagabindu.V.N D/o Nagendra Prasad.V.T as 25.06.1996 in the concerned register after collecting necessary fees.

(Dictated to the typist, directly on the computer transcribed by her, corrected by me and then pronounced by me in open court on this the 01st day of July 2026)

Sd/-

(ROHINI.J)
Addl.Civil Judge & J.M.F.C.
Madhugiri.

APPENDIX

Witnesses examined for the Petitioner.

PW1: Nagabindu.V.N D/o Nagendra Prasad.V.T

Documents exhibited for the Petitioner.

Ex.P1: Non availalbility certificate

Ex.P2: Certified copy of SSLC Marks Card

Ex.P3: Certified copy of the Adhar Card

Witnesses examined and documents exhibited for the Respondent.

-Nil-

Sd/-

(ROHINI.J)
Addl.Civil Judge & J.M.F.C.
Madhugiri.