

IN THE COURT OF CIVIL JUDGE AND JMFC KUNDGOL.

Cri. Misc.No.195/2016

Present : Smt. Rehana Sultana., B.A.L, LL.B
C/c. Civil Judge and JMFC, Kundgol.

Dated this the 16th day of January, 2017

Petitioner : Soumya D/o. Venkatesh Betageri,
Age : 24 years, Occ: Nil,
R/o.Baradwad, Tq:Kundgol, Dist:Dharwad.

(By Sri G.B. Soratur., Advocate)

V/s.

Respondents:1 Tahasilder Kundgol
Registrar of Birth and Deaths,
Tq: Kundgol Dist:Dharwad.

2 Village accountant,
R/o. Baradwad, Tq:Kundgol, Dist:Dharwad.

(Ex-parte)

O R D E R

The present petition filed by the petitioner U/sec.13(3) of the Birth and Death Registration Act 1969, seeking the direction to the respondents to register date of birth of the petitioner by name Soumya D/o. Venkatesh Betageri, who is born on 1.6.1993 at Baradwad village of Kundgol taluk and the same was not intimated to the respondents office and same is not intentional but bonafide one. Hence, the

petitioner filed this petition, since it is not entered in the office of the respondents.

2. Inspite of issuance of notice, the respondents did not appear before the Court and accordingly, the respondents have been placed ex-parte.

3. The petitioner himself examined as P.W.1 and got marked 2 documents as Ex.P.1 and P.2.

4. Heard on petition.

5. The following points are arises for my consideration.

1. Whether the petitioner has made out the grounds to allow the petition ?

2. What order ?

6. My findings to the above points are as under :

Point No.1 : In the affirmative,

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

REASONS

7. **Point No.1** : The petitioner appeared before this court and examined as P.W.1 and she has stated that she born on 1.6.1993 and the said date of birth is not intimated to the respondents office, due to oversight respondents office not mentioned the date of birth of petitioner name Soumya D/o. Venkatesh Betageri, who is born on 1.6.1993. Recently the said fact is known by the petitioner, when she was

approached the respondents office and got endorsement on 23.11.2016 the non availability certificate, which is marked as Ex.P.1 and Ex.P.2 is the certified copy of SSLC marks card of petitioner which discloses her date of birth as 1.6.1993.

8. On the other hand, respondents not appeared before the Court and contested the matter. That the version of P.W.1 remained unchallenged and it is not subject to cross examination. Apart from that, as per Ex.P.1 and P.2, it is obvious to the Court that, the date of birth of petitioner by name Soumya D/o. Venkatesh Betageri, who is born on 1.6.1993, is not entered in the respondent's office. In the interest of justice, it is just and necessary to allow the petition. Otherwise, it would cause more hardship to the petitioner rather than the respondents. Hence, this Court inclined to allow the petition and accordingly I answer point No.1 in the affirmative.

9. **Point No.2** : In view of my above discussion, I proceed to pass the following :

ORDER

The petition filed by petitioner U/sec.13(3) of the Birth and Death Registration Act 1969 is hereby allowed.

In the result, the respondent official is hereby directed to register the date of the birth of petitioner by name Soumya D/o. Venkatesh Betageri, who is born on 1.6.1993 in the Birth and Death Register concerned subject to payment of fees and fine if any, payable by the petitioner.

(Dictated to the stenographer and typed by her, corrected by me and then pronounced in the open Court on **16th day of January 2017**).

(Rehana Sultana)
C/c. Civil Judge and
JMFC, Kundgol.

ANNEXURE

1. Witnesses examined on behalf of Petitioner :

P.W.1 : Soumya D/o. Venkatesh Betageri,

2. Documents exhibited on behalf of petitioner :

Ex.P.1 : Non availability certificate

Ex.P.2 : Certified copy of marks card

3. Witnesses examined on behalf of respondent :

--Nil--

4. Documents exhibited on behalf of respondent :

--Nil--

C/c. Civil Judge and
JMFC, Kundgol.