



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND**  
**J.M.F.C., TIPTUR TALUK, TUMAKURU DISTRICT.**

**DATED: THIS THE 10<sup>th</sup> DAY OF JULY, 2026.**

**PRESENT :-**

**SMT. MADHUSHREE G. S.,** B.Com, LL.B., LL.M.,  
ADDL. CIVIL JUDGE & J.M.F.C.,  
TIPTUR.

**CRL. MISC. NO. 158/2026**

**PETITIONER** : **Govindaiah**  
S/o Channaiah  
Aged about 53 years  
R/at Sasalahalli Village  
Nonavinakere Hobli  
Tiptur Taluk  
Tumakuru District  
**(By Sri.M.D.K., Adv)**

**-VS-**

**RESPONDENT** : The Tahasildar,  
Tiptur Taluk,  
Tiptur.  
**(Ex-parte)**

**II O R D E R II**

This Petition filed by the petitioner U/s 13(3) of Registration of Births and Deaths Act, 1969 against the respondent to enter the date of birth of petitioner's son by name **Likith S.G S/o Govindaiah** who was born on **10.12.2008** at **Petitioner home, Sasalahalli Village, Hunaseghatta Post, Nonavinakere Hobli,**



**Tiptur Taluk, Tumakuru District** within the jurisdiction of this Court.

2. It is stated in the peition that petitioner's son by name **Likith S.G S/o Govindaiah**who was born on **10.12.2008** at **Petitioner home, Sasalahalli Village, Hunaseghatta Post, Nonavinakere Hobli, Tiptur Taluk, Tumakuru District**. The petitioner requires the birth certificate for getting education, government facilities and documents. Hence, the petitioner has approched the respondent's office for obtaining the his son's birth certificate, wherein, he came to know that his son's date of birth has not been entered in the register of birth maintained by the respondent's office and issued non availability certificate in this regard. Hence present petition.
3. After institution of petition, the notice has been issued to the respondent. Though the respondent received notice, he failed to appear and contest the petition. Hence, the respondent placed *ex-parte*.
4. Now the following points are arises for the consideration of this Court:
  1. Whether the petitioner is entitled for a direction to the respondent, as prayed in the petition ?
  2. What Order. ?
5. Heard arguments and perused materials on the record.



6. The answer to above points are as under :

Point No.1 : In the Affirmative.

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

## **II REASONS II**

7. **Point No.1** : In order to establish the factum of birth of the petitioner's son by name **Salman S/o Asif**, the petitioner has got examined himself as PW.1, filed an affidavit in lieu of examination-in-chief, wherein, reiterated the facts that his son's name is **Likith S.G S/o Govindaiah** who was born on **10.12.2008** at **Petitioner home, Sasalahalli Village, Hunaseghatta Post, Nonavinakere Hobli, Tiptur Taluk, Tumakuru District**. And further, petitioner has produced Non-availability certificate marked as Ex.P1 issued by the respondent authority, certified copies of the VI & RI reports along with mahazar marked as Ex.P2 & 3 and Notarized Aadhar cards marked as per Ex.P4 & Ex.P5. As respondent remained absent and placed *exparte*, the oral testimony of PW.1, and documentary evidence remained unchallenged and uncontraverted. Further even taking into consideration of oral evidence and documents produced by the petitioner, there is no grounds to hold further enquiry. The petitioner in his evidence and also in petition stated that the entry of date of birth of the petitioner's son by name **Likith S.G S/o Govindaiah** who was born on **10.12.2008** at **Petitioner home, Sasalahalli Village,**



**Hunaseghatta Post, Nonavinakere Hobli, Tiptur Taluk, Tumakuru District** is necessary for the purpose of benefits of goverment and education.

8. On perusal of Ex.P.1, it evidences that the date of birth of above said petitione was not entered in the concerned register under the Act. Ex.P.2 and 3 are the copies of the reports issued by the Village Accountant and Revenue Inspector along with Mahazar certified by the Tahasildar, which discloses that the petitioner's son was born on **10.12.2008** at the address shown in the cause title. However, the burden is heavily on the respondent, who would have subjected the PW-1 for the test of cross-examination and thereby disputed the contents of Ex.P.2 to 3. That, in the instant case, the respondent *neither* appeared before the court *nor* filed objection *nor* even cross-examined the PW-1. When such being the case, it is just and proper to issue direction to the respondent as prayed for in the petition. In view of the above observations, this Court answers the point No.1 in the **Affirmative**.
9. **Point No.2** : In view of the above my reasons, I proceed to pass the following ;

**ORDER**

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

The respondent is hereby directed to enter the date of birth of the petitioner's son by name **Likith S.G S/o Govindaiah**



who was born on **10.12.2008** at **Petitioner home, Sasalahalli Village, Hunaseghatta Post, Nonavinakere Hobli, Tiptur Taluk, Tumakuru District** and issue birth certificate after collecting the requisite fee.

(Directly dictated to the Stenographer and typed by her, and then order revised and corrected by me, print out taken by her and then, pronounced by me in the open Court on this the 10<sup>th</sup> day of July, 2026.)

Sd/-

**(Madhushree G. S.)**

Addl. Civil Judge & JMFC,  
Tiptur

### **ANNEXURE**

#### **List of the Witnesses examined on behalf of Petitioner:**

PW.1 : Govindaiah

#### **List of the documents marked on behalf of Petitioner :**

Ex.P.1 : Non-availability certificate  
Ex.P.2 & 3 : Copy of the reports issued by the VA  
and RI along with mahazar  
Ex.P4 & 5 : Notarized Aadhar cards

#### **List of the witnesses examined and documents marked on behalf of Respondent:**

----NIL-----

Sd/-

**Addl. Civil Judge & J.M.F.C.,  
Tiptur.**