



**IN THE COURT OF CIVIL JUDGE AND JMFC, MUNDARGI**

**PRESENT**

**Smt. JYOTI B.KAGINAKAR.,**

**B.Sc., LL.B.,**

**Civil Judge and JMFC, Mundargi.,**

**Dated on this the 29<sup>th</sup> day of December-2022**

**Crl.Misc.No.488/2022**

**PETITIONER:**

1. Sri. Kiran S/o Ramappa Nayak,  
Age: 17 years, Occ: Student,  
R/o: Dindur, Tq: Mundargi, Dist: Gadag.  
(Minor Guardian, represented by his father)  
Sri. Ramappa S/o Bheemsing Nayak  
R/o: Shingatarayanakeri Tanda,  
Tq: Mundargi, Dist: Gadag.

**(By Sri. R.V.D. Advocate)**

//V/s//

**RESPONDENTS:**

1. The Tahashildar,  
Birth and Death Registration Authority,  
R/o: Mundargi Tq: Mundargi, Dist: Gadag.
1. The Deputy Tahashildar,  
Registrar of Births and Deaths,  
R/o: Dambal, Tq: Mundargi, Dist: Gadag.

**(Absent)**

## **ORDER**

The petitioner has filed this petition **Under Section 13(1) of Registration of Births and Deaths Act, 1969.**

2. The petitioner has stated that, he born on 01.07.2005 at Shingatarayanakeri Tanda of Mundargi Taluka and due to inadvertence, the said fact was not intimated to the concerned authority. petitioner has further stated that, the entry regarding his date of birth is not available with the respondents and when he applied for the certified copy of his birth certificate, he was given with an endorsement stating that, there is no entry regarding his date of birth with the respondents. Accordingly, he has prayed for allowing the petition.

3. After notice, the respondents did not appear and accordingly, the matter was posted for enquiry and the petitioner father got examined himself as PW.1 by filing the affidavit and got marked at Ex.P.1 to Ex.P.5.

4. Heard the Counsel for the petitioner.

5. The points that arise for my consideration are;

1. Whether the petitioner is entitled to the registration of her birth event in the Register maintained by the respondent?
2. What order?

6. My answers to the above points are as under;

**POINT NO.1 : In the Affirmative.**

**POINT NO.2 : As per final order for the following;**

**REASONS**

7. **POINT NO.1:** The petitioner has stated that, he born on 01.07.2005 at Shingatarayanakeri Tanda of Mundargi Taluka. The petitioner on oath has stated regarding the fact of his birth and also deposed that his parents failed to intimate the concerned authority in the time and he has also deposed regarding the application filed by his before the respondents to issue his birth certificate. he has produced the non-availability certificate issued by the respondent No.1, which is marked as Ex.P-1. The Notarized Aadhar copy of Saroja Nayak, which is marked as Ex.P-2. The SSLC Marks card of petitioner, which is marked as Ex.P-3. The Notarized Aadhar card copy of Ramappa Nayak, which is marked as Ex.P-4. The Notarized Ration card copy of Ramappa, which is marked as Ex.p-5. The petitioner

pleaded the requirement of her birth certificate for bona-fide use and references.

**8. U/Sec.13 of Birth and Death Registration Act,** the person is entitled to delayed registration of birth or death event on proof thereof subject to payment of late fees. In the instant case the petitioner contended that, he born on 01.07.2005 and the same is not reported to the respondent authority. The petitioner has produced Ex.P-1 and Ex.P-3 in support of his case. The date of birth of the petitioner is shown as 01.07.2005 in his school records. The material placed on record prima facie discloses the birth of petitioner on 01.07.2005. Moreover, inspite of service of notice, the respondent has not appeared and contested the petition. The contents of petition remain unchallenged. Petitioner has made out prima facie case and there is no material to discard his claim. Therefore, I am of the opinion that, the petitioner is entitled for the relief claimed in this petition. Accordingly, **I answer Point No.1 in the Affirmative.**

**9. POINT No.2:** For the reasons stated above, I proceed to pass the following;

**ORDER**

The petition filed by the petitioner U/Sec.13(1) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondents is hereby directed to make an entry regarding the date of birth of petitioner by name Kiran S/o Ramappa Nayak as 01.07.2005 in the concerned Register after collecting necessary fee and issued the birth certificate.

*(Dictated to the stenographer directly on computer & typed by him, corrected by me and then pronounced in the open court on this 29<sup>th</sup> day of December-2022).*

Sd/-  
**(Smt. Jyoti B. Kagainakar)**  
**Civil Judge and JMFC.,**  
**Mundargi.**

## **ANNEXURE**

### **I. List of witnesses examined on behalf of petitioner:**

PW-1 : Ramappa S/o Bheemasing Nayak.

### **II. List of documents marked on behalf of petitioner:**

Ex.P-1 : Non-Availability Certificate.  
Ex.P-2 : Notarized copy Aadhar card of Saroja  
Ex.P-3 : Photo copy of SSLC Marks of petitioner  
Ex.P-4 : Notarized copy Aadhar card of Ramappa  
Ex.P-5 : Notarized copy Ration card of Ramappa

### **III. List of witnesses examined on behalf of respondents:**

-Nil

### **IV. List of documents marked on behalf of respondents:**

-Nil-

Sd/-  
Civil Judge and JMFC.,  
Mundargi.