

KAUK510000072026



Presented on : 05-01-2026
Registered on : 05-01-2026
Decided on : 18-03-2026
Duration : 0 years, 2 months, 13 days

IN THE COURT OF CIVIL JUDGE & JMFC, HALIYAL
AT: HALIYAL, UTTARA KANNADA

Dated this 18th day of March, 2026

PRESENT

Smt. Geeta. B.A.LL.B (Hon's) LL.M.,
Civil Judge and JMFC, Haliyal

CRIMINAL MISCELLANEOUS NO:01/2026

BETWEEN:

1. Sri. Hussainsab S/o Abdulrashid Mulla
Aged about 45 years, Occ: Coolie,
R/o. Thatwanagi Village,
Tq: Haliyal, (U.K).

.....**Petitioner**

(By Sri. S.M.S., Advocate for petitioner)

AND:

1. The Registrar of Birth's and Death's,
The Tahasildar, Haliyal, (U.K).

...**Respondent**

(Exparte)

ORDER ON MAIN PETITION

This petition is filed by petitioner against the respondent under Section 13[3] of the Registration of Births and Deaths Act, 1969 R/w. Rule 10(3) of Karnataka Registration of Births and Deaths Rules 1999 praying for issuance of direction to the respondent to register the factum of date of birth of petitioner by name Sri. Hussainsab S/o Abdulrashid Mulla.

2. It is the specific case of petitioner that, he born on 01.06.1980 at Thatwanagi Village, Tq: Haliyal, (U.K), but, his date of birth has not been recorded in the concerned registers maintained by the respondent. Now the petitioner is in need of birth date extract for Legal purpose. When petitioner applied for his Birth Certificate, respondent issued non-availability Certificate in respect of non-registration of date of birth of petitioner by name Sri. Hussainsab S/o Abdulrashid Mulla in their concerned register. As such, petitioner constrained to file present petition.

3. Notice of the petition is ordered to the respondent. Despite due service, the respondent remained absent, hence, placed exparte.

4. The petitioner has examined himself as PW.1 and produced 03 documents which are marked at Ex.P1 to P3. The respondent has not led evidence on his side.

5. Heard the arguments of the learned counsel appearing for petitioner. Perused the records.

6. Now the following points that arise for the consideration:

1. Whether the prayer made in the application can be granted?

2. What Order?

7. Answers on the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

8. **POINT NO.1**:- To prove his contention, the petitioner examined himself as PW.1, filed affidavit in lieu of examination in chief reiterating the petition averments and got marked 03 documents as Ex.P1 to P3. PW.1 deposed that, he was born on 01.06.1980 at Thatwanagi Village, Tq: Haliyal, (U.K). On making of an application by the petitioner for issuance of his Birth Certificate, the respondent on 21.08.2025 gave non-availability certificate as per Ex.P1 interalia stating that the factum of birth of petitioner by name Sri. Hussainsab S/o Abdulrashid Mulla had not been entered in their register. Ex.P-1 apparently shows that the date of birth of petitioner by name Sri. Hussainsab S/o Abdulrashid Mulla has not been entered in the records maintained at the office of the respondent. Ex.P2 is the School Certificate of the petitioner issued by the Deputy Principal, Government PU College, Haliyal, Tq: Haliyal, wherein the date of birth of the petitioner is clearly shown as

01.06.1980. Ex.P3 is the Aadhar Card of petitioner. The said documents are also not disputed by the respondent. Generally, School Certificate is considered as primary evidence to ascertain date of birth of a person. In this case, the petitioner has relied on School Certificate to show his correct date of birth. Hence, the case of the petitioner cannot be disbelieved. The evidence of petitioner and documents produced by him remained unchallenged. Therefore, Court does not find any reasons to disbelieve the testimony and documents produced by PW.1. Therefore, Court is of the considered opinion that, necessary direction requires to be given to enter the date of birth of the petitioner by name Sri. Hussainsab S/o Abdulrashid Mulla in the concerned register. Accordingly, **this Court answers Point No.1 in the Affirmative.**

9. **POINT NO.2:-** In view of above discussion and for the reasons stated therein, 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, 1969 R/w. Rule 10(3) of the Karnataka Births and Deaths Rules 1999 is hereby allowed with no order as to costs.

The respondent is hereby directed to enter the factum of date of birth of petitioner

by name Sri. Hussainsab S/o Abdulrashid Mulla was born on 01.06.1980 at Thatwanagi Village, Tq: Haliyal, (U.K) in the concerned register on payment of requisite penalty.

(Directly dictated to the Stenographer on computer, typed by her, corrected by me, signed and then pronounced in the Open Court on this the **18th day of March, 2026**)

Sd/-

(Geeta)
Civil Judge and JMFC,
Haliyal

ANNEXURE

List of witnesses examined for the petitioner/s :-

PW.1 : Sri. Hussainsab S/o Abdulrashid Mulla

List of documents marked for the petitioner/s :-

Ex.P1 : Non-availability Certificate

Ex.P2 : School Certificate

Ex.P3 : Aadhaar Card of petitioner

List of witnesses examined for the Respondent/s :-

- NIL -

List of documents marked for the Respondent/s :-

- NIL -

Sd/-

(Geeta)
Civil Judge and JMFC,
Haliyal

