

IN THE COURT OF CIVIL JUDGE AND J.M.F.C.  
AT:HARAPANAHALLI.

Present:

Shri. Manu Sharma S.P.,  
B.A. LAW. LL.M.

Civil Judge and J.M.F.C.,  
Harapanahalli.

DATED; THIS THE 18<sup>th</sup> DAY OF MARCH - 2026

CRL.MISC.NO.1015/2025

**Petitioner:** Shri. Mujubur Rahaman,  
S/o.Mahammad Haneef Sab,  
Aged about 47 years, Agriculturist,  
R/o. Uchangidurga village,  
Harapanahalli Taluku,  
Vijayanagara District .

(By Shri.B.H.P.,Adv.,)

V/s.

**Respondent:** Tahasildar Taluk Office, Harapanahalli  
taluk, Vijayanagara District.

(absent)

**ORDER ON PETITION FILED UNDER SECTION 13 (3) OF  
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969  
R/W.9 (3) OF REGISTRATION OF KARNATAKA BIRTHS  
AND DEATHS ACT, 2000**

**ORDER**

1. Petitioner has filed this petition U/Sec.13(3) of Registration of Birth and Death Act 1969 seeking direction to respondent to enter the date of birth by name "Mujubur

Rahaman, S/o. Mahammad Haneef Sab”, as 10.06.1978 in the register maintained by respondents and to issue birth certificate to the Petitioner.

**Brief facts of the case:**

2. The petitioner was born on 10.06.1978 at Uchangiduraga village, Harapanahalli Taluku. That, due to over sight and inadvertent mistake, factum of birth was not intimated to the concerned authority and birth particulars were not entered in concerned records. That, now the petitioner is in need of birth certificate for the purpose of Government facilities & for record purpose. Hence, the petitioner applied to respondent to furnish birth certificate. But the Respondent has issued non availability certificate. Hence, this petition.

3. After registration of the case notice was issued to the Respondent and in spite of the service of notice, Respondent remained absent.

4. The Petitioner examined as PW1 in support of the case and got marked following documents:-

Ex.P.1:- Non availability certificate.

Ex.P.2:- Self attested Aadhar Card compared with original.

Ex.P.3:- Age certificate

5. Heard counsel of petitioners.

6. Upon hearing arguments and on perusal of materials placed on records the following points arise for my consideration.

1. Whether Petitioner has made out grounds for allowing the petition?

2. What order?

7. My finding to the above points as under:

Point No.1 : In the **Affirmative**

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

### **REASONS**

8. **POINT NO.1:** In order to prove the case, the Petitioner is examined as PW1 and got marked documents at Ex.P.1 to Ex.P.3. In the evidence of PW-1 petition averments are reiterated. Petitioner has produced documents showing date of birth and place of residence as Harapanahalli.

9. The testimony of PW1 remains un challenged and un controverted. Therefore, there is no reason to disbelieve the evidence given by petitioner. The Respondents have remained absent and did not contest the petition. Thus, the case of the Petitioner remains uncontested and unchallenged. Further oral and documentary evidence adduced by the Petitioner is unchallenged

and controverted. Therefore, there is no reason to disbelieve the case of the Petitioner.

10. It is also trite that in a proceeding under section 13 (3) of Registration of Births and Deaths Act, court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by Hon'ble High Court of Karnataka in 2000 (4) KCCR 2674 (State of Karnataka V/s Smt. Annakka), wherein it was held that the The Magistrate in a proceeding Under Section 13(3) only ascertains the birth of the child and date is not the material consideration, as such directions bind only the Registration Office Under the Act to make an entry and does not carry higher probative value.

11. Hence, in the light of principles emerges from the decision referred above, petition is required to be allowed. Hence, I answer the Point No.1 in the **Affirmative**.

**12. POINT NO.2:** For the reasons stated above I am of the opinion that, the petition deserves to be allowed and hence I proceed to pass following:

**::ORDER::**

*Application filed U/Sec.13(3) Registration of Birth and Death Act 1969 by the petitioner is hereby allowed.*

*Respondent is directed to enter birth date of petitioner by name "Mujubur Rahaman, S/o. Mahammad Haneef Sab", as 10.06.1978 and Place of birth as Uchangidurga village, Harapanahalli Taluk. In concerned records and issue birth certificate to the Petitioner after collecting necessary fees and fine.*

*No order as to cost.*

(Dictated to the Stenographer, transcribed by him, corrected by me and then pronounced in the Open Court on this **18<sup>th</sup> day of March 2026**)

**Civil Judge and JMFC,  
Harapanahalli.**

(Vide separate order)  
Order pronounced in the Open Court  
vide Dt.18.03.2026.

**: ORDER :**

*Application filed U/Sec.13(3) Registration of Birth and Death Act 1969 by the petitioner is hereby allowed.*

*Respondent is directed to enter birth date of petitioner by name "Mujubur Rahaman, S/o. Mahammad Haneef Sab", as 10.06.1978 and Place of birth as Uchangidurga village, Harapanahalli Taluk. In concerned records and issue birth certificate to the Petitioner after collecting necessary fees and fine.*

*No order as to cost.*

**Civil Judge and J.M.F.C.,  
Harapanahalli.**