

**IN THE COURT OF THE XXV ADDL.CHIEF
METROPOLITAN MAGISTRATE, BANGALORE CITY.**

Dated this the 10th day of February, 2022

Present: Sri Naveena H.K. LL.M

**XXV Addl. Chief Metropolitan Magistrate,
Bangalore.**

Crl.Mis.No.5744/2021

Petitioner :	Rex Prem Raj.S. S/o.Shanthappa Raju.C. Aged about 27 years, R/at.No.117, Nirmala Mary Nilaya, 2 nd cross, 1 st main, Kempegowda Nagar Bangalore 560 019. (By P.R.- Advocate) - Vs -
Respondent :	The Commissioner, Registrar of Births & Deaths, BBMP, Bengaluru.

ORDER

The Petitioner has filed the petition U/s.13(3) of Birth and Death Registration Act, 1969.

2. Brief facts of the Petitioner case is as follows :

The Petitioner by name Rex Prem Raj.S. S/o.Shanthappa Raju.C. and Smt.Catherine was born on 20.05.1994 at No.117, Nirmala Mary Nilaya, 2nd cross, 1st main, Kempegowda Nagar, Bangalore 560 019. Due to lack of knowledge and information, the date of birth of the Petitioner is not intimated to concerned authority. The said fact has come to the knowledge of the Petitioner recently. Immediately, the Petitioner approached the Respondent to issue the certificate. The Respondent has issued non-availability certificate. The birth certificate of the Petitioner is

necessary for [documentation purpose](#). Therefore, the Petitioner is constrained to file the petition.

3. The notice served to the Respondent. The Respondent failed to appear before the court and not filed any objection. Therefore, the Respondent is placed exparte.

4. Now, the following points arise for due consideration. :

1. Whether the Petitioner has made out sufficient grounds to allow the petition?
2. What order?

5. My findings on the above point is in the “[Affirmative](#)”, for the following :

: REASONS :

6.Point No.1 : The Petitioner has filed the petition against the Respondent U/s.13(3) of Birth and Death Registration Act. The Petitioner has contended that [he](#) was born [on 20.05.1994 at No.117, Nirmala Mary Nilaya, 2nd cross, 1st main, Kempegowda Nagar, Bangalore 560 019](#). It is further contended that the fact of [birth](#) is not reported to the Respondent due to [lack of knowledge and information](#). In support of the petition contention, the Petitioner [himself](#) examined as PW 1 and reiterated the petition averments. The Respondent has not chosen to file objections. Therefore, the oral evidence of PW1 remains unchallenged.

7. In support of the oral evidence, the Petitioner has produced the Certified copies of the Aadhar Card, SSLC Marks Card [and the Pass Port as Ex.P2 to Ex.P.4](#). The documents on record clearly reveal that the [Petitioner](#) was born [on 20.05.1994](#). Admittedly, the date of birth is not mentioned in the concerned register. The Commissioner has issued non-availability certificate. That document is marked as [Ex.P.1](#).

8. The birth of the **Petitioner** is not in dispute. The date of birth is not mentioned in the concerned register. The Petitioner has given specific explanation for non-reporting the said fact. In such circumstances, the Petitioner has proved the petition averments. There is no ground to reject the Petitioner contention. The Petitioner has produced relevant documents in support of his date of birth. **Therefore**, the Petitioner has made out sufficient grounds to allow the petition. Accordingly, my answer to Point No.1 is in the Affirmative.

9. Point No.2 : In view of the aforesaid reasons, I proceed to pass the following:

ORDER

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

The respondent is hereby directed to enter the birth of Petitioner by name **Rex Prem Raj.S. S/o.Shanthappa Raju.C. and Smt.Catherine** at No.117, Nirmala Mary Nilaya, 2nd cross, 1st main, Kempegowda Nagar, Bangalore 560 019 as **20.05.1994** and issue birth certificate thereon to the Petitioner after collecting late requisite fee.

(Dictated to the Stenographer directly on the computer and print out taken by her, corrected and signed by me and then pronounced in the open Court on this the 10th day of February, 2022).

(NAVEENA H.K.)
XXV A.C.M.M., BANGALORE

ANNEXURE

List of Witnesses examined for the Petitioner :

PW.1 : Rex Prem Raj.S

List of Witness examined for the Respondent :

Nil

List of Documents marked for the Petitioner :

Ex.P1 : Endorsement issued by the Commissioner,
BBMP.

Ex.P2 : C.C. of Aadhaar Card

Ex.P3 : C.C. of SSLC Marks Card

Ex.P4 : C.C. of Pass Port.

List of Documents marked for the Respondent :

Nil

(NAVEENA H.K.)

XXV A.C.M.M., BANGALORE.

