

KAKL510018442026



**IN THE COURT OF THE I ADDL. CIVIL JUDGE &
JMFC, AT K.G.F.**

PRESENT: **Smt. Ashwini.V.**, M.B.A., LL.B., LL.M.,
I Addl. Civil Judge & JMFC
AT K.G.F.

Dated this the 28th day of July, 2026

CMC No.203/2026

Petitioner : **Smt. Hema.C,**
W/o C.Divakar,
D/o C.Chandramouli,
Aged about 29 years,
C/o Karadaguru Village,
Kyasamballi Hobli,
K.G.F Taluk, Kolar District.

R/at: Thinnali Village,
Hogalagere Post, Srinivasapura Taluk,
Kolar District.

(By **Smt.Gayathri.**, Adv.,)

Versus

Respondent/s : **The Tahsildar,**
Registrar of Births & Deaths,
K.G.F Taluk, Kolar District.

(Placed Ex-parte)

O R D E R

The Petitioner has filed the present petition U/Sec.13(3) of Registration of Births & Deaths Act, 1969 for necessary direction to the Respondent to enter the birth particulars of her son by name Bhavish.D in the register of births and to issue birth certificate of her son.

2. In the petition, the Petitioner has contended that, her son/Bhavish.D was born on 10-05-2023 at her parental house situated at Karadaguru Village, Kyasamballi Hobli, K.G.F Taluk, Kolar District. The said facts was not intimated to the Respondent office due to inadvertence and by oversight. She is not getting her son birth certificate and requires the birth certificate of her son for school admission purpose & other legal necessities. She approached with Respondent office, but got issued a non-availability certificate dated 05-05-2026. Hence, she prays to allow the petition.

3. In-spite of service of notice, the Respondent did not appear before the court, hence Respondent placed exparte. Posted for Petitioner's evidence.

4. In order to prove the case, the Petitioner herself is examined as PW1 and got marked four documents i.e., Ex.P1 to P4.

5. Heard on petition by learned counsel for Petitioner and perused the documents available on record.

6. The points that arise for my consideration are;

1. Whether the Petitioner would be entitle for the relief sought in the petition?

2. What order?

7. My findings to the above points are;

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

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

REASONS

8. Point No.1 : It is the case of the Petitioner that, her son by name Bhavish.D S/o C.Divakar & Smt.Hema.C, who born on 10-05-2023 at her parental house situated at Karadaguru Village, Kyasamballi Hobli, K.G.F Taluk, Kolar District and due to inadvertence and by oversight, they have not reported his birth particulars to the concerned authority.

9. In support of her case, the Petitioner herself is examined as PW1 by reiterated the petition averments and she required the birth certificate of her son for school admission purpose & other legal necessities and the Respondent has issued non-availability certificate. PW.1 produced Ex.P1/Non-availability certificate issued by Respondent on 05-05-2026. The PW1 further produced Notarized copies of her Aadhaar Card and her husband's Aadhaar Card, which are marked as Ex.P3 & P4. PW1 further produced Ex.P4/Thaayi/Mother Card it goes to show that, Bhavish.D is her son, which is not in dispute.

10. On perusal of the oral testimony of PW1 & Ex.P4 clears that, her son/Bhavish.D S/o C.Divakar & Smt.Hema.C was born on 10-05-2023 at her parental house situated at Karadaguru Village, Kyasamballi Hobli, K.G.F Taluk, Kolar District. The perusal of Ex.P1 issued by the Respondent goes to show that, the name of the Petitioner's son is not mentioned and there is no entry regarding her son birth particulars in the register maintained by them. In the present case, in-spite of service of notice, the Respondent did not appear before the court, hence Respondent placed exparte. Hence, the oral

testimony of PW1 and Ex.P1 to P4 are corroborate with each other and the evidence of PW1 is unchallenged by the Respondent. Under these circumstances, the Petitioner proved that, she would be entitle for birth certificate of her son/Bhavish.D S/o C.Divakar & Smt.Hema.C, who born on 10-05-2023 at her parental house situated at Karadaguru Village, Kyasamballi Hobli, K.G.F Taluk, Kolar District from Respondent by way of preponderance of probability. Accordingly, I have answered to **Point No.1 in the Affirmative.**

11. Point No. 2 : In view of my aforesaid findings, I proceed to pass the following;

ORDER

The petition filed by the Petitioner U/Sec.13(3) of the Karnataka Births & Deaths Registration Act is hereby allowed.

Consequently, the Respondent is hereby directed to enter the date of birth of Petitioner's son by name ***Bhavish.D S/o C.Divakar & Smt.Hema.C***, who born on ***10-05-2023*** at her parental house situated at ***Karadaguru Village, Kyasamballi Hobli, K.G.F Taluk, Kolar District*** in birth register and issue birth certificate after collecting necessary fee.

(Dictated to the Stenographer directly on computer, revised and corrected by me and then pronounced in open court on this the ***28th day of July, 2026***)

Sd/-
(Smt.Ashwini.V)
I Addl. C.J., & JMFC.,
K.G.F.

: A N N E X U R E :**List of witnesses examined on behalf of Petitioner:**

PW1 : Smt. Hema.C

List of documents exhibited on behalf of Petitioner:

Ex.P1 : Non-availability Certificate

Ex.P2 & P3 : Notarized copies of Aadhaar Cards

Ex.P4 : Thaayi/Mother Card

List of witnesses examined on behalf of Respondent:

- Nil -

List of documents exhibited on behalf of Respondent:

- Nil -

Sd/-

(Smt.Ashwini.V)

I Addl. C.J., & JMFC.,
K.G.F.