

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

Dated this the 20th day of June 2023

**Present: Smt Sujata Sidagouda Patil,
B.SC.,LL.B.**

**C/C XII Addl. Chief Metropolitan Magistrate,
Bangalore.**

Crl.MISC.No.2463/2023

Petitioner : Anitha.R
W/o.Purushothama,
Aged about 32 years,
R/at.9/16,
2nd A main 6th Cross,
govindarajnagar,
Bangalore-560040.
(By Umadevi.K.M- Advocate)
- Vs -
Respondent : The Commissioner
Registrar Births & Deaths,
BBMP,
Bangalore.

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's son by name Deepak.P S/o.Purushothama and Smt Anitha.R as he was born on 23.01.2007 at NO.9/16, 2nd A Main Road, 6th Cross Govindarajnagar, Bangalore 560040. Due to ignorance of law and procedure the date of birth of the Petitioner's son 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's son is necessary for Educational purpose and other 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 *ex parte*.

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 her son was born on 23.01.2007 No.9/16, 2nd A Main Road, 6th Cross Govindarajanagar Bangalore 560040. It is further contended that the fact of birth of her son is not reported to the Respondent due to ignorance of legal procedure. In support of the petition contention, the Petitioner herself examined as PW 1 and reiterated the petition averments. The Respondent has not chosen to file objections. Therefore, the oral evidence of PW 1 remains unchallenged.

7. In support of the oral evidence, the Petitioner has produced the notarized copies of Aadhaar Cards and SSLC Marks Card as Ex.P.2 to Ex.P.5. The Commissioner has issued non-availability certificate. That document is marked as Ex.P.1. The document on record clearly reveal that the Petitioner's son was born on 23.01.2007. Admittedly, the date of birth is not mentioned in the concerned register.

8. The birth of the Petitioner's son 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 date of birth of her son. 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's son by
name Deepak.P S/o.Purushothama and***

Smt.Anitha.R at NO.9/16, 2nd A main,6th Cross, Govindarajnagar, Bangalore 560 040 as 23.01.2007 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 20th day of June, 2023).

**(SUJATA SIDAGOUDA PATIL)
C/C XII A.C.M.M., BANGALORE.**

ANNEXURE

List of Witnesses examined for the Petitioner :

PW.1 : Anitha.R

List of Witness examined for the Respondent :

Nil

List of Documents marked for the Petitioner :

Ex.P1 : Endorsement issued by the Commissioner, BBMP.
Ex.P2-4 : [N.C. of the Aadhaar Cards](#)
Ex.P5 : [N.C of the SSLC Marks Card.](#)

List of Documents marked for the Respondent :

Nil

**(SUJATA SIDAGOUDA PATIL)
C/C XII A.C.M.M., BANGALORE.**

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