

CNR NO. MHJG140010442022

Cri. M.A. No. 210/2023
Vinod Vs Chief Officer**ORDER BELOW EXH.01**

This is an application under section 13(3) of the Maharashtra Births, Death Registration Act. It is contended that the applicant was born on 01.01.1983 at Dharangaon, Tq. Dharangaon and inadvertently the entry regarding his date of birth was not taken in the government record office. When applicant applied for the birth certificate the respondent replied that on search of registration record of concerned year the entry relating to his birth is not found to have been taken. The applicant requires birth certificate for educational purpose of childrens and for other Government and Semi Government Scheme. Hence, it is prayed that the entry regarding his birth be registered at the office of respondent.

02 The proclamation was also issued inviting objections from the public at large in daily newspaper “Gaonkari” dated 03.12.2022. Its copy filed on record at Exh. 14. However, none appeared and objected. The applicant also filed on record non-availability certificate issued by Municiple Council, Dharangaon at Exh.13.

03 Perused application and documents filed on record. Heard Advocate for the applicant. The applicant has filed his evidence affidavit in support of this application vide Exh.12 and closed evidence vide pursis Exh.15. I have gone through the documents filed on record.

04 In this regard I am guided by the judgment of Hon'ble Karnataka High Court reported in “1995 CRI.L.J.2820, B.G.

Gangadharappa Vs Tahsildar, Soraba,” wherein it has been observed by the Hon'ble Karnataka High Court that,

“The function to be exercised by a Magistrate Under Section 13(3), involves appreciation or shifting of evidence. In this view of the matter also the Magistrate of the first class referred to in Section 13(3) of the Act is only a Judicial Magistrate. Therefore, as per Sec.13(3) of the Act, the Magistrate of the First Class i.e. Judicial Magistrate F.C. is empowered to issue Birth & Death Registration Certificate”.

05 Thus, by relying on the citation cited supra and the documents filed on record, application requires to be allowed. Hence, I pass the following order.

ORDER

01. Application is allowed.
02. The respondent is directed to take the entry of the birth of applicant Vinod Prakash Mahajan dated 01.01.1983.

Date: 27.02.2023

(Ashish D. Suryawanshi)
Judicial Magistrate First Class,
Dharangaon.