

**IN THE COURT OF THE II ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE OF BENGALURU CITY**

Dated this the 2nd day of January 2023

PRESENT : **SRI.VEDAMOORTHY B.S.** B.A.(L), LL.B.
II Addl. Chief Metropolitan Magistrate, Bengaluru City.

Cri.Misc.No.7146/2022

PETITIONER : Srinivas Murthy Agaram Thippaiah,
S/o Thippaiah Agaram Venkatakrishnaiah,
Aged about 76 years,
Residing at No.9, 3rd Cross,
Shankarpuram, Bengaluru – 560 004.

(By Smt.Pavithra, Advocate)

V/s

RESPONDENT : The Commissioner,
Registrar of Births and Deaths,
BBMP, Bengaluru.

(By Smt.Girija B., Advocate)

ORDERS

This petition is filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969 seeking directions to the respondent to register the event of his birth as he was born on 27.07.1946 at No.9, 3rd Cross,

Shankarapuram, Bengaluru - 560004 and to issue Birth Certificate.

2. The petitioner has contended in the petition that he was born on 27.07.1946 at No.9, 3rd Cross, Shankarapuram, Bengaluru - 560004. The petitioner is in need of his Birth Certificate for documentation purpose. The petitioner does not have the knowledge of legal procedures in obtaining Birth Certificate, failed to obtain the same in time. Due to lack of knowledge and information, legal obligation, the petitioner could not comply the same in time. When the petitioner approached the respondent seeking his Birth Certificate, the respondent issued an endorsement. Hence, this petition is filed.

3. After due service of notice to the respondent, the respondent appeared before this Court and filed the statement of objections stating that the petition is misconceived and liable to be dismissed. The petitioner is put to strict poof of the contents of the petition. The respondent

has no knowledge of the petition averments. The petitioner has not produced relevant documents to prove his case. There is no cause of action to file the petition. The alleged cause of action is created to file this petition. The petitioner was not born within the jurisdiction of this court. Therefore, the petition is liable to be dismissed on the point of jurisdiction. Hence, prayed to dismiss the petition.

4. To prove the case of petitioner, he is examined as PW1 and he has produced the documentary evidences Ex.P1 to Ex.P3. The respondent has not produced any evidences either oral or documentary. Heard the learned counsels for both sides.

5. The points that would arise for my consideration are as follows:-

1. Whether the petitioner has made out sufficient grounds to allow the Petition?
2. What order?

6. My findings on the above points are as under:-

Point No.1: In the Affirmative;

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

REASONS

7. **POINT No.1** : It is contended by the petitioner that he was born on 27.07.1946 at No.9, 3rd Cross, Shankarapuram, Bengaluru - 560004 and his birth particulars are not entered in the Register of the respondent due to ignorance of law and procedure. Ex.P1 is the Non-availability Certificate, Ex.P2 is the notarized copy of SSLC Marks Card of the petitioner and Ex.P3 is the notarized copy of Aadhar Card of the petitioner. The petitioner in his affidavit filed by way of examination-in-chief of PW1 has reiterated the petition averments. The respondent has not produced any oral and documentary evidences.

8. On perusal of the petition averments, affidavit filed by way of examination-in-chief of PW1 and the contents of Ex.P2, it appears that the date of birth of the petitioner is

27.07.1946. I verified the originals of Ex.P2. From the above evidences, the petitioner has proved that the date of birth of the petitioner is 27.07.1946 and his date of birth is not entered in the concerned Register of the respondent. Under these circumstances, the petitioner has made out sufficient grounds to allow the petition. Hence, I answer **Point No.1 in Affirmative.**

9. **POINT NO.2** :- In view of the above findings on Point No.1, I proceed to pass the following:

ORDERS

The Petition filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is directed to enter the event of birth of the petitioner by name Srinivas Murthy Agaram Thippaiah, S/o Thippaiah Agaram Venkatakrishnaiah and Smt.Kanthamma Agaram Thippaiah as 27.07.1946 at No.9, 3rd Cross, Shankarapuram, Bengaluru - 560004 and

issue the Birth Certificate to the petitioner by collecting necessary fees.

It is made clear that the direction given in this case binds only the Petitioner and respondent in this case i.e., parties to this proceeding.

No order as to cost.

(Typed by Stenographer in the Court computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court on this the 2nd day of January 2023.)

(VEDAMOORTHY B.S.)

II Addl. Chief Metropolitan Magistrate,
Bengaluru City.

ANNEXURE

List of witnesses examined on behalf of the Petitioner :

PW1 : Srinivas Murthy Agaram Thippaiah.

List of documents marked on behalf of the Petitioner :

Ex.P1 : Non-Availability Certificate,

Ex.P2 : Notarized copy of SSLC Marks Card,

Ex.P3 : Notarized copy of Aadhar Card.

List of witnesses examined on behalf of the Respondent :

- NIL-

List of documents marked on behalf of the Respondent :

- NIL -

(VEDAMOORTHY B.S.)

II Addl. Chief Metropolitan Magistrate,
Bengaluru City.

02.01.2023

(Order pronounced in the open court vide separate order sheet)

ORDERS

The Petition filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is directed to enter the event of birth of the petitioner by name Srinivas Murthy Agaram Thippaiah, S/o Thippaiah Agaram Venkatakrishnaiah and Smt.Kanthamma Agaram Thippaiah as 27.07.1946 at No.9, 3rd Cross, Shankarapuram, Bengaluru - 560004 and issue the Birth Certificate to the petitioner by collecting necessary fees.

It is made clear that the direction given in this case binds only the Petitioner and respondent in this case i.e., parties to this proceeding.

No order as to cost.

(VEDAMOORTHY B.S.)

II Addl. Chief Metropolitan Magistrate,
Bengaluru City.