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**IN THE COURT OF THE XXVI ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT BENGALURU.****PRESENT:** Smt. NIRMALA .S., B.A.L., LL.M.
XXVI Addl. C.J.M., Bengaluru.**Dated:** This the 23rd Day of July 2026**Crl.Misc.No.6861/2026**Shaik Hussain Basha
Since Minor
Rep by his motherSmt. Shaik Ayesha
W/o Shaik Gowhar Basha
Aged about 42 years
R/at No.11-195, Jagan Colony,
Kollabailu, Madanapalle,
Chittor, Andhra Pradesh.**PETITIONER****(By advocate Smt. A.B.S.)****Vs.**1.The Commissioner of BBMP,
Registrar of Births & Deaths,
Bengaluru.
(Exparte)**RESPONDENT**

**ORDER ON PETITION UNDER SECTION 13(3) OF
KARNATAKA REGISTRATION OF BIRTH AND DEATH
ACT, 1969.**

This petition is filed by the petitioner U/S.13(3) of the Registration of Births and Deaths Act, 1969 to issue directions to the respondent to enter her son's date of birth who was born on 18-12-2010 in the register maintained by the respondent.

2. Brief facts of the petitioner's case are as under:

The petitioner's son namely Shaik Hussain Basha was born on 18-12-2010 at No.41, 1st A Cross, J.P. Nagar, Vinayaka Nagar, Bengaluru-560 078. The petitioner submits that her son's birth was reported to the respondent. The petitioner applied for issuance of her son's birth certificate, but the respondent issued a non-availability certificate stating that, her son's date of birth is not entered in the concerned register. The petitioner requires her son's birth certificate. Therefore the petitioner has constrained to file this petition and prayed to issue directions to the respondent.

3. The notice of the petition is duly served upon the respondent. The respondent was called out absent.

4. In support of the petition averments, the petitioner got examined herself as PW1 and got marked 5 documents as Ex.P1 to Ex.P5 and closed her side of evidence.

5. Heard the arguments of the learned counsel for the petitioner and perused the case papers.

6. The following points arise for my consideration:-

1. Whether the petitioner is entitled for the relief as sought for?

2. What order?

7. My findings on the above points are as follows:-

Point No.1 : In the Affirmative.

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

REASONS

8. **Point No.1:** This petition is filed by the petitioner U/s. 13(3) of the Registration of Births and Deaths act, 1969 for making an entry of date of birth of

the petitioner's son by Shaik Hussain Basha who was born on 18-12-2010.

9. The petitioner got examined herself as PW1, wherein she had reiterated the petition averments and got marked 5 documents as Ex.P1 to P5. Ex.P1 is the non-availability certificate issued by the respondent, Ex.P2 is the notarized copy of Aadhar card of PW-1, Ex.P-3 is the original of Aadhar card of son of PW.1, Ex.P-4 is the original of PAN card of PW.1 and Ex.P-5 is the xerox copy of TC of son of PW-1. Among these Ex.P-3 and 5 are very clearly shows the date of birth of the petitioner's son as 18-12-2010.

10. On verification of affidavit and documents, there is no contrary evidence and contrary documents with regard to affidavit evidence of petition as respondent has not cross-examined PW1. There is no material before this court to reject the claim of the petitioner. Under these circumstances, if a direction is issued U/s.13(3) of Birth and Death Act, to make necessary entries in the birth register, there will cause no prejudice to the respondent. In view of non-contesting of the petition by the respondent, I have no

option except to accept the plea of petitioner. **Hence,
I answer the point No.1 in the affirmative.**

11. Point No.2:- In view of my findings to point No.1, I proceed to pass the following:-

ORDER

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

Consequently, the Respondent is hereby directed to make proper entry in respect of date of birth of the petitioner's son by name Shaik Hussain Basha S/o Shaik Gowhar Basha and Smt. Shaik Ayesha who was born on 18-12-2010 at No.41, 1st A Cross, J.P. Nagar, Vinayaka Nagar, Bengaluru-560 078, in the relevant register maintained in the office.

Issue Birth Certificate
accordingly after collecting
necessary charges.

Return the original documents
to the petitioner after receiving the
certified copy of the same and after
proper verification.

(Dictated to the Stenographer, directly to the computer,
typed by her, corrected and then pronounced by me in
open Court, on this the 23rd day of July 2026.)

(Smt. NIRMALA .S.)
XXVI ACJM., BENGALURU.

~ ANNEXURE ~

Witnesses examined for petitioner:

PW-1 Smt. Shaik Ayesha.

Exhibits Marked for petitioner:

Ex.P-1 Non-availability certificate
Ex.P-2 Notarized copy of Aadhar card of PW-1
Ex.P-3 Original Aadhar card of son of PW-1
Ex.P-4 Original PAN card of PW-1
Ex.P-5 Xerox copy of TC of son of PW-1.

Witnesses examined for respondent: -Nil-

Exhibits Marked for respondents: -None-

(Smt. NIRMALA .S.)
XXVI ADDI.C.J.M., B'luru.