

approached the respondent to get his son's birth certificate. The respondent has given Non-availability certificate. Now, petitioner is intending to register the event of birth of his son in the records maintained by the respondent, as he is in need of his son's birth certificate for documentation purpose.

2. After registration of the petition, notice was issued to respondent and it was duly served, but respondent does not chose to appear before this court and he placed ex party. Petitioner examined him self as PW.1 and Ex.P.1 to Ex.P.4 are marked. Cross of PW1 taken as nil, as respondent remain ex party. Respondent evidence is also taken as nil.

3. I have heard the arguments and perused the records.

4. Now following points would arise for my consideration:

1) Whether the petitioner has made out sufficient grounds to allow the petition?

2) What order?

5. My answer to the above points is as under:

Point No.1: In the affirmative

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

REASONS

6. **POINT No.1:-** PW1 has reiterated the petition averments in his examination in chief. Ex.P1 is the non availability certificate of non registration of date of birth of petitioner son issued by the respondent. Ex.P.2 and P.3 are the copies of aadhar card and Pan card of petitioner's son. Ex.P4 is the copy of aadhar card of petitioner. The entries in

the aforesaid documents reveals that the petitioner is the father of **Fazular Rehman** and the said documents corroborates with petitioner version. Ex.P2 to 4 are issued from the competent authority and its genuineness cannot be doubted and deserved to be accepted. The entries in the aforesaid Ex.P.2 and P.3 reveals and establishes that the petitioner's son was born on **29/12/2002**.

7. The non-availability certificate issued by the respondent is marked as Ex.P1. It reveals that the petitioner's son date of birth was not registered in their records. Petitioner alleged that, he is intending to register the event of date of birth of his son, for documentation purpose. The purpose of filing of this petition and the documentary evidence on records remains un impeached and unbuttered and same cannot be doubted and deserve to be believed. Further it is settled principle of law that, the entry of date of birth or death of a person, in the register of Birth or death is not a conclusive evidence of disputed date of birth or death. It is also true that this Order binds only the concerned Registrar of Birth or death and not others. Accordingly after verifying the correctness of date of birth of the petitioner son, based on the undisputed documents relied on by his father, **I am answering this point in the affirmative.**

8. **POINT No.2:** For these foregoing reasons stated above to point No.1, I proceed to following:-

ORDER

The petition filed by the petitioner is allowed.

Respondent is hereby directed to register/enter the date of birth of petitioner son that is **he was born on 29/12/2002** in their register and issue birth certificate to the petitioner by collecting necessary fees if any.

[Dictated to the stenographer directly on computer, corrected by me. and then pronounced by me in the open court on 12th July 2022].

(P. SHIVARAJ)

XXXVIII A.C.M.M. B'LURU

ANNEXURES:**1) No. of witnesses examined on behalf of the petitioner/s:**

PW-1 : Sri. C.H.Taher Ahmed S/o.Mohammed Hanif

2) No. of documents marked on behalf of the petitioner/s:

Ex.P1 : The Non availability certificate.

Ex.P2,3 : Copies of Aadhar card and Pan card of petitioner's son

Ex.P.4 : Copy of aadhar card of Petitioner.

3) No. of witnesses examined on behalf of the respondent/s:

- NIL -

4) No. of documents marked on behalf of the respondent/s:

- NIL -

(P. SHIVARAJ)

XXXVIII A.C.M.M. B'LURU.

Orders pronounced in the open court vide separate orders.
The operative portion of the order reads thus;

ORDER

The petition filed by the petitioner is allowed.

Respondent is hereby directed to register/enter the date of birth of petitioner son that is **he was born on 29/12/2002** in their register and issue birth certificate to the petitioner by collecting necessary fees if any.

(P. SHIVARAJ)

XXXVIII A.C.M.M. BENGALURU.

