

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

*Present : Sri. P. Shivaraj,*  
*B.Com. LL.B.*  
*XXXVIII ADDL.C.M.M., BANGALORE*

***Dated this the 2nd day of June – 2022***

**Crl. Misc.3036/2022**

**Pettioners:** Smt.Gulnaz Khanum W/o.Rab Nawaz,  
33 yrs. R/a.No.351, 15<sup>th</sup> Cross, A Block,  
Janakiram Layout, New Lingarajpuram,  
near Banaswadi Railway Station,  
Maruthi Sevanagar, Bangalore-560 033.

**(By Smt.Saraswathi, Advocate)**

// Vs. //

**Respondents:** The Commissioner,  
Registrar of Births & Deaths,  
BBMP,  
Bengaluru.  
**(Ex -party)**

**O R D E R**

The petitioner has filed this petition U/sec. 13(3) of Registration of Birth and Death Act 1969. alleging that, her daughter by name **Umme Kulsum and she was born on 22/09/2009**. As the petitioner and her family members were ignorant about the legal procedure of reporting and registering her daughter's date of birth before the competent authority. Further the petitioner approached the respondent to get her daughter's birth certificate. The respondent has

given Non-availability certificate. Now, petitioner is intending to register the event of birth of her daughter in the records maintained by the respondent, as she is in need of her daughter'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 her self as PW.1 and Ex.P.1 to Ex.P5 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 being the petitioner, she reiterated the petition averments in her examination in chief. Ex.P1 is the non availability certificate of non registration of date of birth of petitioner's daughter issued by the respondent. Ex.P2 and P3 is the Aadhar card and School ID Card of petitioner's daughter. Exs.P4 and P5 are the copies of Aadhar Card of Petitioner and her husband. The entries in the aforesaid Ex.P.2 and P.3 reveals that, **Umme Kulsum** is

the daughter of **Sri. Rab Nawaz and Smt.Gulnaz Khanum** and the said documents corroborates with petitioner version. Ex.P2 to P5 issued from the competent authority and its genuineness cannot be doubted and deserved to be accepted. The entries in the aforesaid Exs.P.2 and P.3 reveals and establishes that the petitioner's daughter was born on **22/09/2009**.

7. The non-availability certificate issued by the respondent is marked as Ex.P1. It reveals that the petitioner's daughter date of birth was not registered in their records. Petitioner alleged that, she is intending to register the event of date of birth of her daughter, 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 daughter, based on oral testimony of her mother, **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 daughter that is **she was born on 22/09/2009** in their register and issue birth certificate to the petitioner by collecting necessary fees if any.

*[Dictated to the stenographer directly on computer, correct by me. and then pronounced by me in the open court on 2nd June 2022].*

**(P. SHIVARAJ)**

XXXVIII A.C.M.M. BENGALURU

**ANNEXURES:**

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

PW-1 : Smt. Gulnaz Khanum W/o.Rab Nawaz

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

Ex.P1 : The Non availability certificate.

Ex.P2,3 : Aadhar Card and School Identity Card of Petitioner's daughter.

Ex.P4,5 : Aadhar Card of Petitioner and her husband.

**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. BENGALURU

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 daughter that is **she was born on 22/09/2009** in their register and issue birth certificate to the petitioner by collecting necessary fees if any.

**(P. SHIVARAJ)**

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

