

KAKL510023622026



**IN THE COURT OF THE I ADDL. CIVIL JUDGE &
JMFC, AT K.G.F.**

PRESENT: **Smt. Ashwini.V.**, M.B.A., LL.B., LL.M.,
I Addl. Civil Judge & JMFC
AT K.G.F.

Dated this the 31st day of July, 2026

CMC No.247/2026

Petitioner : **Sri. Bahadur,**
S/o Abdul Rashid Saab,
Aged about 51 years,
R/at: Dhayamanagudisalu Village,
Parandahalli Post,
K.G.F Taluk.
(By **Sri. Naveen.M.**, Adv.,)

Versus

Respondent/s : **The Tahsildar,**
Registrar of Births & Deaths,
K.G.F Taluk.

(Placed Ex-parte)

O R D E R

The Petitioner has filed the present petition U/Sec.13(3) of Registration of Births & Deaths Act, 1969 for necessary direction to the Respondent to enter the birth particulars of his son by name Mohammed Sultan in the register of births and to issue birth certificate of his son.

2. In the petition, the Petitioner has contended that, his son/Mohammed Sultan was born on 19-07-2010 at Home/Dyamanagudisalu Village, Parandahalli Post, K.G.F Taluk. The said facts was not intimated to the Respondent office due to inadvertence and by oversight. He is not getting his son birth certificate and requires the birth certificate of his son for education purpose & other legal necessities. He approached with Respondent office, but got issued a non-availability certificate dated 22-06-2026. Hence, he prays to allow the petition.

3. In-spite of service of notice, the Respondent did not appear before the court, hence Respondent placed exparte. Posted for Petitioner's evidence.

4. In order to prove the case, the Petitioner himself is examined as PW1 and got marked 9 documents i.e., Ex.P1 to P9.

5. Heard on petition by learned counsel for Petitioner and perused the documents available on record.

6. The points that arise for my consideration are;

1. Whether the Petitioner would be entitle for the relief sought in the petition?

2. What order?

7. My findings to the above points are;

Point No.1 : **In the Affirmative**

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

REASONS

8. Point No.1 : It is the case of the Petitioner that, his son by name Mohammed Sultan S/o Bahadur & Smt.Thabasum, who born on 19-07-2010 at Home/Dyamanagudisalu Village, Parandahalli Post, K.G.F Taluk and due to inadvertence and by oversight, they have not reported his birth particulars to the concerned authority.

9. In support of his case, the Petitioner himself is examined as PW1 by reiterated the petition averments and he required the birth certificate of his son for education purpose & other legal necessities and the Respondent has issued non-availability certificate. PW.1 produced Ex.P1/Non-availability certificate issued by Respondent on 22-06-2026. PW1 further produced Notarized copies of his son's School Transfer Certificate, Aadhaar Card & School Admission Extract, which are marked as Ex.P2, P3 & P6, the said documents goes to show that, the date of birth of his son/Mohammed Sultan on 19-07-2010 and reflects Petitioner being his father and Smt.Thabasum being his mother as per these documents. PW1 further produced Notarized copies of his wife's Aadhaar Card and his Aadhaar Card, which are marked as Ex.P4 & P5. PW1 further produced Ex.P7 is the Notarized copy of Certificate issued by PDO of Dyamanagudisalu Village. PW1 further produced Ex.P8 is the Form No.3 & Ex.P9 is his Voter ID Card.

10. On perusal of the oral testimony of PW1 and Ex.P2, P3 & P6 clears that, his son/Mohammed Sultan S/o Bahadur & Smt.Thabasum was born on 19-07-2010 at Home/Dyamanagudisalu Village, Parandahalli Post, K.G.F Taluk. The perusal of Ex.P1 issued by the Respondent goes to show that, the name of the Petitioner's son is not mentioned and there is no entry regarding his son birth particulars in the register maintained by them. In the present case, in-spite of service of notice, the Respondent did not appear before the court, hence Respondent placed exparte. Hence, the oral testimony of PW1 and Ex.P1 to P9 are corroborate with each other and the evidence of PW1 is unchallenged by the Respondent. Under these circumstances, the Petitioner proved that, she would be entitle for birth certificate of his son/Mohammed Sultan S/o Bahadur & Smt.Thabasum, who born on 19-07-2010 at Home/Dyamanagudisalu Village, Parandahalli Post, K.G.F Taluk from Respondent by way of preponderance of probability. Accordingly, I have answered to **Point No.1 in the Affirmative.**

11. Point No. 2 : In view of my aforesaid findings, I proceed to pass the following;

ORDER

The petition filed by the Petitioner U/Sec.13(3) of the Karnataka Births & Deaths Registration Act is hereby allowed.

Consequently, the Respondent is hereby directed to enter the date of birth of Petitioner's son by name **Mohammed Sultan S/o Bahadur & Smt.Thabasum**, who born on **19-07-2010** at **Home/Dyamanagudisalu Village, Parandahalli Post, K.G.F Taluk** in birth register and issue birth certificate after collecting necessary fee.

(Dictated to the Stenographer directly on computer, revised and corrected by me and then pronounced in open court on this the **31st day of July, 2026**)

Sd/-
(Smt.Ashwini.V)
I Addl. C.J., & JMFC.,
K.G.F

: A N N E X U R E :

List of witnesses examined on behalf of Petitioner:

PW1 : Sri.Bahadur

List of documents exhibited on behalf of Petitioner:

Ex.P1 : Non-availability Certificate

Ex.P2 : Notarized copy of School Transfer Certificate

Ex.P3 to P5 : Notarized copies of Aadhaar Cards

Ex.P6 : School Admission Extract

Ex.P7 : Certificate issued by PDO of Dyamanagudisalu Village

Ex.P8 : Notarized copy of Form No.3

Ex.P9 : Notarized copy of Voter ID Card

List of witnesses examined on behalf of Respondent:

- Nil -

List of documents exhibited on behalf of Respondent:

- Nil -

Sd/-
(Smt.Ashwini.V)
I Addl. C.J., & JMFC.,
K.G.F.