



Presented on : 02-08-2022
Registered on: 15-09-2022
Decided on : 02.05.2023
Duration : 9 months.

IN THE COURT OF V ADDL. CIVIL JUDGE & J.M.F.C.,
KALABURAGI

Present

SRI. DASTAGEERSAB ABDULRAJAK MULLA,
B.Com., LL.B.
C/c V Addl. Civil Judge & JMFC,
Kalaburagi

Crl.Misc.No.1085/2022

DATED: THIS THE 2nd DAY OF MAY 2023

PETITIONER:

Vishnavi D/o Sidram,
Age: 06 years,
Through her natural guardian, her
father Sidram S/o Bhimasha
Shinge, Age: 40 years, Occ: AVT
Service, R/o H.No.12-13,
Humanabad Road, Behind
Devanand Maruti Showroom,
Opp: Salarsal Garden, Kalaburagi.

(By Sri Mohammed Ali Hipperga, Advocate)

// Versus //

**RESPONDENT:**

The Birth & Death Registrar Office,
Kalaburagi City Corporation, Kalaburagi,

(Grameen Police Station jurisdiction)

(Exparte)

ORDERS ON PETITION FILED U/S 13 (3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

The present petition is filed under Section 13(3) of Registration of Births and Deaths Act 1969, with a prayer to issue necessary directions to the respondent to enter the factum of birth of the minor petitioner's daughter by name Vishnavi D/o Sidram as on 10.01.2016.

2. **Facts in brief are as under:**

The minor petitioner and her family members are residents of H.No.12-13, Humanabad Road, behind Devanand Maruti Showroom, Opp: Salarsal Garden, Kalaburagi. The minor petitioner was born on 10.01.2016 at the above said house. The minor



petitioner's parents are not aware regarding giving information to the concerned authority as to the registration of date of birth of the minor petitioner to the concerned records. The minor petitioner approached the respondent and sought the birth certificate, but the respondent expressed his inability and has issued non availability of birth certificate to that effect on 27.06.2022. The minor petitioner requires the birth certificate for educational purposes and other future requirements. Therefore, prayed to allow the petition.

3. Notice of the petition is ordered to the respondent. Despite of due service, the respondent remained absent. Consequently, the respondent has been placed exparte.
4. The guardian of the petitioner himself examined as PW.1 and got marked 3 documents as Ex.P.1 to 3.
5. Heard arguments.



6. The points that arise for court consideration:

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

2. What order?

7. The findings to the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

8. **POINT No.1:-** The petitioner father himself examined as PW.1 by way of filing his affidavit in lieu of his examination-in-chief by reiterating the contents of petition averments. He contended that due to not aware regarding giving information to the concerned authority he has not informed the respondent office about the registration of birth of the minor petitioner. Now he is in need of birth certificate of his daughter for education purpose and other future requirements. Hence, he



approached to the respondent with a request to issue birth certificate of his daughter. But the respondent gave the endorsement contending that his daughter's date of birth is not entered in the registered maintained in the office and issued the Non-Availability Certificate stating that there is no entry regarding date of birth of the minor petitioner. Therefore the PW.1 has prayed to issue directions to Registrar to enter the date of birth of his daughter's who born on 10.01.2016, which is very much needed for the education purpose and other future requirements.

9. On perusal of the entire case records, it reveals that, the respondent has not appeared before this Court and placed Ex-parte. The evidence of PW.1 remained unchallenged. Hence, I have no reason to disbelieve the evidence of PW.1. On perusal of Ex.P.1 and evidence, I am satisfied that, there is no entry of birth date of minor



petitioner in the respondent Office. It is well settled proposition of law that, a petition for birth entry has to be entertained, if certain facts proved. Hence, it is necessary to direct the respondent to issue the birth Certificate of petitioner **Vishnavi D/o Sidram**. However, this inference is not the conclusive proof of relationship or birth if the birth is disputed in any Civil or Criminal proceedings. In the light of these discussions, I answer the Point No.1 in the affirmative and pass the following order;

10. **POINT No.2:-** In view of finding has been given to the point No.1, I proceed to pass following:

ORDER

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



**The respondent is directed to enter the
date of Birth of minor petitioner VISHNAVI
D/O SIDRAM born on 10.01.2016, in the
concerned Register and issue birth
certificate after collecting the fee
prescribed in that behalf.**

(Dictated to the Stenographer directly on Computer and typed by him, corrected and then pronounced by me in open court on this the 2nd day of May 2023)

**(DASTAGEERSAB ABDULRAJAK MULLA)
V Addl. Civil Judge & JMFC.,
Kalaburagi.**

ANNEXURE

**LIST OF WITNESSES EXAMINED ON BEHALF OF
PETITIONER:**

PW.1 : Sri. Sidram S/o Bhimasha Shinge.

**LIST OF WITNESSES EXAMINED ON BEHALF OF
RESPONDENT:**

-NIL-



LIST OF DOCUMENTS MARKED ON BEHALF OF

PETITIONER:

Ex.P.1 : Non-availability certificate.

Ex.P.2 & 3 : Notarized attested copies of Aadhaar Cards.

LIST OF DOCUMENTS MARKED ON BEHALF OF

RESPONDENT:

-NIL-

V Addl.J.M.F.C., Kalaburagi

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