

15.07.2023

**ORDER ON PETITION UNDER SECTION 13(3) OF THE
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

The petitioner has filed this petition in order to get birth certificate of his daughter Rani.P as the date of birth is dated: 09.04.2008.

2. The brief facts of the petitioner case:

It is the case of the petitioner that, his daughter was born on 09.04.2008 within the limits of K.G.Halli to the concerned authority to enter the same. Recently, he had approached the respondent authority for issuance of Birth Certificate, but the respondent authority issued an endorsement stating that, her birth date was not registered. Therefore, claiming the necessity to enter the date of birth of his daughter Rani.P in the birth certificate, the petition.

3. In spite of receipt of the notice, the respondent has remained absent and therefore, it is placed ex-parte.

4. On the basis of the pleading, the points that arise for my consideration are:

1. Whether the petitioner has made out valid ground to allow the petition?
2. What order?

5. In order to prove the petitioner case, he has entered the witness box by examining as PW.1 and got marked the documents at Ex.P.1 to P.3 and closed his side evidence.

6. Heard and perused the materials available on record.

7. My answer to the point No.1 in the Affirmative and Point No.2 as per the following:

REASONS

8. **Point No.1:** In order to prove the case of the petitioner, he got examined as PW.1 and got marked the Ex.P.1 to P.3 documents. It is his case that, his daughter Rani.P was born on 09.04.2008 within the limits of K.G.Halli, but due to the ignorance of law, he could not recorded the information with the respondent authority and since, the birth certificate is necessary, he has prayed a direction to the respondent authority to register the date of birth of his daughter in the concerned records and so also, to

issue a direction to the respondent authority to issue the birth certificate.

9. As said above, the petitioner has got produced Ex.P.1 to P.3 documents. On perusing the Ex.P.1 the Non-Availability certificate, it shows that the petitioner having no option to get the Birth Certificate approached the court with this petition. On perusing the materials placed before the court, it reveals that, the petitioner made his genuine efforts to get the Birth Certificate for the documentation purpose. Further, the Ex.P.2 is the Aadhar card and the Ex.P.3 is the Study and conduct certificate issued by the concerned school also goes to indicate that, the date of birth of Rani.P, is dt:09.04.2008, which cannot be neglected. More so, the oral and documentary evidence of the petitioner has remained unchallenged. In this circumstance, there is no other option than to consider the claim of the petitioner. Therefore, on considering the evidence available on record, I am of the considered opinion that, the petitioner is entitled for the direction to the respondent authority in order to obtain the Birth Certificate. Accordingly, Point No.1 is answered in the Affirmative and the point No.2 as per the following:

ORDER

Petition filed under section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to register the date of birth of petitioner's daughter by name **RANI.P, D/O.SRI.K. PALANI AND SMT.P.LAKSHMI** was born on **09.04.2008** at **No.407/1, Pillanna Garden, 2nd Main Road, 3rd Stage, K.G.Halli, Venkateshpura, Bengaluru-560045** in the concerned register of births after collecting necessary fee.

(JAI SHANKAR.J)
XXII ACMM, BENGALURU.