

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

**Dated this the 6<sup>th</sup> day of June, 2022.**

**PRESENT**

**Sri. RAJESH N. HOSAMANE B.Sc.ML  
V ACMM BENGALURU**

**Crl.MISC.No.3257/2022**

Petitioner : Ananda.C.  
S/o Chinnappa  
Aged about 39 years  
R/at Flat No.55,  
2<sup>nd</sup> Main, 2<sup>nd</sup> Cross,  
Krishna Layout,  
Devarachikkanahalli,  
Bannerghatta Road,  
Bengaluru – 560 076.

(By Pushpalatha. V. Advocate)

- Vs -

Respondent : The Commissioner  
Registrar of Births & Deaths  
BBMP, Bengaluru.

(By Smt. G.B. Advocate )

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

It is case of the petitioner that his son Adithya.A.  
was born on 29.07.2016 in Hospital at Bengaluru.  
When applied for birth certificate the respondent issued  
Non Availability Certificate stating birth event is not

registered in concerned register, it is just and necessary to issue necessary direction to respondent to enter birth event to relevant register and issue birth certificate to the petitioner.

2. The respondent appeared through his counsel and filed objection. In the objection the respondent has submitted that the petition is wholly misconceived and as such liable to be dismissed in limine. The petitioner is not entitled for any relief as sought in the petition. The petitioner has not produced any relevant documents to prove the case. There is no cause of action to file present petition. The petitioner has filed the present petition very casually without any sufficient materials and grounds. Hence, the petitioner is not entitled to get the relief as claimed in the petition. Hence on all these grounds, the respondent prayed to dismiss the present petition

3. The petitioner got examined as P.W.1 and got marked documents at Ex.P.1 to Ex.P.4.

4. Heard the arguments and perused the material on record.

5. On the basis of the contents of the petition the following points arise for my consideration :

*1. Whether the petitioner made out grounds u/s, 13(3) of Births and Deaths Act for issuance of necessary directions as prayed for ?*

*2. What order.*

6. My findings on the above points are as under :

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

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

**: REASONS :**

7. The Petitioner is examined as PW-1. He reiterates petition averments and relies on Ex.P1 to P.4. Ex.P1 Non Availability Certificate issued by the respondent shows the cause of action. The petitioner has also produced notarized copies of Adhar Cards of himself and of his wife, which are marked as Ex.P2 and P.3. Ex.P.4 is the Vaccination card of Petitioner's son issued by the Hospital. On perusal of Ex.P.4 i.e. Vaccination record, it reveals that, the son of petitioner is born on 29.07.2016. Judicial Note of the same is taken on record. The oral evidence which corroborates documentary evidence produced by the

petitioner is cogent and convincing. Nothing is extracted from the mouth of PW.1 by the respondent to rebut the same. The correctness of birth event appears to be correct and acceptable. Accordingly, I answer the point for consideration in affirmative. For the aforesaid reasons I proceed to pass the following.

**ORDER**

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

*The respondent is directed to enter the birth event of the petitioner's son by name **Adithya. A. S/o Ananda. C and Smt. Soumya. who was born on 29.07.2016 at Bengaluru** to relevant register on receipt of late fees from the petitioner and issue birth certificate accordingly to the petitioner.*

(Dictated to the stenographer, transcribed by her and corrected by me, then pronounced in the open court, on this 6<sup>th</sup> day of June 2022)

**(RAJESH N.HOSAMANE )  
V A.C.M.M., BANGALORE**

**ANNEXURE**

**Witnesses examined for the Petitioner :**

PW.1 : Ananda. C. S/o Chinnappa

**Witness examined for the Respondent :** Nil

**List of Documents marked for the Petitioner :**

Ex.P1 : Endorsement issued by the  
Commissioner, BBMP.  
Ex.P2 and 3 : Copies of Adhar Cards.  
Ex.P.4 : Copy of Vaccination card.

**List of Documents marked for the Respondent :** Nil

**(RAJESH N.HOSAMANE)  
V A.C.M.M., BANGALORE**