

IN THE COURT OF THE XVI ADDITIONAL CHIEF  
METROPOLITAN MAGISTRATE, BENGALURU CITY

Dated:- This the 6th day of June, 2022

Present: Sri.N.M.RAMESHA,  
XVI Addl.C.M.M., Bengaluru City.

Case No. : **C.Misc.No.3084/2022**

Complainant : Smt.Mangala.K,  
W/o. Kallanagowda.K,  
Aged about 38 years,  
Residing at No.243,  
10th Cross, 13th Main,  
Rajendra Nagar Slum,  
Viveknagar, Koramangala,  
Bengaluru -560 047.

Natural Guardian of 2nd  
Petitioner

Harshith Kumar.K,  
S/o.K.Kallanagowda,  
Aged 12 years,  
Residing at No.243,  
10th Cross, 13th Main,  
Rajendra Nagar Slum,  
Viveknagar, Koramangala,  
Bengaluru -560 047.

(By Sri.Prakasha.M, Adv.,)

- Vs -

**Accused** : **The Commissioner,**  
Bruhath Bengaluru Mahanagar  
Palike,  
Bengaluru -560 001.  
  
(By Smt. Girija.B., Adv.,)

Date of order : 06.06.2022

**ORDER**

The Petitioner no.2 rep. by his mother ie., petitioner no.1 has filed this petition U/s 13(3) of Karnataka Registration of Births and Deaths Act 1969 to direct the respondent to enter the date of birth of the her son as 03.04.2009 in the concerned birth register and to issue birth certificate.

2. The case of the petitioner in brief is as under:-

The 1st petitioner is the mother and natural guardian and Kallanagowda.K is the father of 2nd petitioner and they are the permanent resident of Bengaluru City. The 1st petitioner's son was born on 03.04.2009 and is in need of birth certificate of her son for the documentation purpose. For lack of knowledge and information, legal obligation could not be complied in time. The said respondent has issued an endorsement. Hence the 1st petitioner has

approached the court by filing the petition. Hence this petition.

3. On service of notice, the respondent has appeared before this court through his learned counsel and has filed objections denying the material averments made in the petition. The petitioner has been called upon to prove the material averments made in the petition. The material averments made in the petition are not within the knowledge of respondent. The petition is stated to be misconceived. The Petitioner has not produced any supportive documents to prove her case. The relief sought in the petition is stated to be not maintainable. The alleged cause of action is stated to be imaginary. The documents produced by the Petitioner are all created and insufficient to grant the relief claimed in the petition. It is on these grounds, the respondent has prayed for dismissal of the petition.

4. In order to prove her case, the 1st Petitioner got herself examined as PW-1 and got the documents marked as **Ex.P1 to P.5**. The respondent did not choose to adduce any evidence on his behalf.

5. I have heard the arguments of learned counsel for both the sides and perused the oral and documentary evidence placed on record.

6. Now the points that would arise for my consideration are as under:-

1. Whether the petition filed by the petitioner under the provisions of Sec.13(3) of the Karnataka Registration of Births and Deaths Act deserves to be allowed?
2. What Order?

7. On considering the evidence on record, now my answer 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 1st petitioner has filed this petition under the provisions of Sec.13(3) of Karnataka Registration of Births and Deaths Act of 1969 seeking direction to the respondent to enter the date of birth of her son as 03.04.2009 in the concerned Birth Register.

9. The 1st petitioner has filed her affidavit in chief examination wherein she reiterated and reaffirmed the contents of the petition. The petitioner has produced Non-availability certificate, Notarized copies of the Aadhar card of PW.1 Aadhar card of husband of PW.1, Aadhar card of son of PW.1, Study certificate issued by school and they are marked as per **Ex.P.1 to P.5** through the evidence of PW.1.

10. PW-1 in her cross-examination has denied the suggestion that the documents produced by her are all fake documents. Further, she has denied the suggestion that she is deposing false evidence before the court. However, the respondent has not adduced any oral evidence and also not produced any documentary evidence on his behalf.

11. On the other hand, the documents produced by the Petitioner as per **Ex.P1 to P5** reveals that, the date of birth of the **1st Petitioner's son by name Harshith Kumar.K, S/o. Sri.K.Kallanagowda and Smt.Mangala.K as 03.04.2009**. But it has not been entered in the concerned register. The date of birth of the petitioner's son is mentioned as 03.04.2009 in the

public documents. Hence, there are no reasons to disbelieve or to discard the oral evidence of PW.1 and documentary evidence at Ex.P.1 to P.5. Under these circumstances, if the respondent is directed to enter the date of birth of the 1st petitioner's son as 03.04.2009 in the concerned register and then to issue the birth certificate to the petitioner, then it would meet the ends of justice. Therefore the petition is deserves to be allowed. Hence for the reasons discussed above, I answer Point No.1 in the Affirmative.

**12. POINT No.2:** In view of my findings on point No.1, I proceed to pass the following:

### **O R D E R**

The petition filed by the 1st petitioner under the provisions of Sec.13(3) of Karnataka Registration of Births and Deaths Act 1969 is hereby allowed.

The Respondent is hereby directed to enter the date of birth of the **1st Petitioner's son by name Harshith Kumar.K, S/o.Sri.K.Kallanagowda and Smt.Mangala.K** as **03.04.2009** in the concerned

Birth Register except the place of birth of the petitioner's son since the petitioner has not furnished any documents to show place of birth of her son in the concerned register and issue the Birth Certificate of the Petitioner, after collecting the prescribed fee, as per law.

It is made it clear that, this order and direction issued to respondent is binding on the parties to the proceedings only.

*(Directly dictated to the stenographer online, printout taken by her, verified, corrected and then pronounced by me in the open Court on this the 6th June 2022).*

(SRI.N.M.RAMESHA),  
XVI ACMM, Bengaluru City.

### ANNEXURE

#### 1. List of witness/s examined on behalf of the Complainant:-

P.W.1 : Smt. Mangala.K.

#### 2. List of documents exhibited on behalf of the Complainant:-

Ex.P.1 : Non-availability Certificate

Ex.P.2 : Notarized copy of the Aadhar card of PW.1

- Ex.P.3 : Notarized copy of the Aadhar card of husband of PW.1  
Ex.P.4 : Notarized copy of Aadhar card of son of PW.1  
Ex.P.5 : Notarised copy of the Study certificate

**3. List of witness/s examined on behalf of the Accused:-**

- Nil-

**4. List of documents exhibited on behalf of the Accused:-**

- Nil-

(SRI.N.M.RAMESHA),  
XVI ACMM, Bengaluru City.

