

KABC030915962022



IN THE COURT OF THE XIX ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.

PRESENT:SRI.FAROOQ ZARE.
B.A(Law)LL.B.L.L.M.

XIX ADDL.C.M.M.,BENGALURU.

DATED THIS THE 6th DAY OF FEBRUARY 2023

CRIMINAL MISCELLANEOUS NO.7719 OF 2022

Petitioner :- Roshni Khanum
D/o Waheed Khan,
Aged about 22 years,
R/at No.211, 9th A Main Road,
BTM 1st Stage, Near Avalamma Temple,
Gurappanapalya, Bengaluru-560011.

(By Saraswathi. Advocate)

-V/s-

Respondent :- The Commissioner

Registrar of Births & Deaths,
B.B.M.P., Bengaluru.

(Exparte)

ORDER

1. The petitioner has filed this petition under Section 13(3) of Karnataka Registration of Birth and Death Act 1969 for entering her date of birth in the register maintained by the office of the respondent.

2. In the petition it is stated that the petitioner by name **Roshni Khanum** was born on **05.02.2000** in Bengaluru. The birth event of her was not entered in the register maintained by the respondent in their office. She needs her birth certificate for family documentation purpose. It is stated that she submitted an application to respondent for issuing birth certificate for which respondent issued a non-

availability certificate. For the reasons stated supra she prays to allow the petition.

3. The notice was issued to the respondent and same was duly served but respondent remained absent before the court and placed exparte. Thereafter the case was posted for evidence. The petitioner has got examined herself as PW1, in her oral evidence reiterated petition averments and got marked Ex.P1 and Ex.P2. Since the respondent placed exparte, the evidence of PW1 is remained unchallenged.

4. Heard the arguments and perused the petition.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is deserved to be allowed ?

Point No.2: What order?

6. My findings to the above points are as here under;

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

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

R E A S O N S

7. **Point No.1:-** The petitioner has stated that, she was born on **05.02.2000** in Bengaluru. The birth certificate is required for the sake of documentation. She approached the respondent for availing the birth certificate but respondent gave an endorsement that the event of birth of her is not entered in the register and issued non-availability certificate at Ex.P1. The respondent remained absent and placed exparte. The averments of the petition and evidence of PW1 and documentary evidence at Ex.P1 and Ex.P2 are

remained unchallenged. **Ex.P2** notarized copy of SSLC marks card discloses that the date of birth of petitioner is **05.02.2000** and there are no grounds to disbelieve the case of the petitioner. The very object of the Karnataka Registration of Birth and Death Act 1969 is to enter the registration of births and deaths in the concerned register. Therefore, the point No.1 is answered in the **Affirmative**.

8. **Point No.2**:- In view of my findings to the point No.1, I proceed to pass the following;

O R D E R

The petition is **allowed**.

The respondent is hereby directed to enter the date of birth of petitioner by name **Roshni Khanum D/o Waheed Khan** and **Smt.Shabeena Khanum**, as she was born on **05.02.2000**, in the

concerned register and issue birth certificate accordingly on collecting necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected by me and then pronounced in the Open Court on 6th February, 2023.)

(Farooq Zare)
XIX A.C.M.M., BENGALURU.

A N N E X U R E

I. List of witnesses examined by petitioner:-

PW.1 :- Roshni Khanum.

II. List of exhibits marked by respondent:-

Ex.P1 :- Non-availability Certificate.

Ex.P2 :- Notarized copy of SSLC marks card.

III. List of witnesses examined by respondent:--NIL-

IV. List of exhibits marked by respondent:- - NIL-

(Farooq Zare)
XIX A.C.M.M., BENGALURU.