

**IN THE COURT OF THE 30TH ADDL.CHIEF METROPOLITAN
MAGISTRATE, BENGALURU**

Dated: This the 9th Day of September, 2021.

**:Present:
Sri.I.P.Naik, B.A. LL.M.,
30th ACMM, Bengaluru**

C.Misc.No.3117/2021

PETITIONER:

Murthi.R
S/o.Shivalingi,
Aged about 38 years,
R/at.C.R.P.F, Quarters,
Yelahanka New Town,
Bengaluru-560 064.

Permanent address:
No.18/34,
T.R.Bazzar,
Udhagamandalam,
Naduvatam, The Nilgiris,
Tamil Nadu-643224.

-V/s-

RESPONDENT:

The Commissioner,
Registrar of Birth and Deaths,
BBMP,
Bengaluru.

O R D E R

The Petitioner has filed this petition U/s 13(3) of the Registration of Births and Deaths Act. It is stated in the petition that, the date of birth of the Petitioner's son by name **Harshit.M is S/o.Murthi.S. and Smt.Jayanthi.R, and his date of birth is 06.03.2020, the same**

has not been entered in the Births and Deaths Register of the Respondent. Hence, prays to direct the Respondent to register the date of birth of the Petitioner and to issue Birth Certificate.

2. In spite of service of notice upon the Respondent, he has not chosen to appear before the court, as such the Respondent is treated as absent. Hence, the case has been posted for the evidence of the Petitioner.

3. The Petitioner has got examined himself as PW-1 and has filed his affidavit in lieu of his examination in chief, wherein he has reiterated the petition averments. He has also relied upon **Ex.P1 to P3 documents**.

4. On the other hand, the Respondent has not appeared before the court and adduced any evidence and therefore, there is no rebuttal evidence on behalf of the Respondent.

5. Heard the arguments of the counsel for the Petitioner and perused the materials placed on record.

6. The following points arise for my consideration:

1. Whether the application filed u/s 13 (3) of the Registration of Births and Deaths Act deserves to be allowed?

2. What Order?

7. 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

8. **POINT No.1**: The Petitioner in his affidavit evidence has reiterated and reaffirmed the contents of the petition and got marked **Ex.P1 to P.3. Ex.P1 is the Non-availability certificate, Ex.P.2 is the Notarized copy of the Adhar card of the petitioner. Ex.P.3 is the Notarized copy of the discharge summary of the petitioner's wife.**

9. The Respondent has not appeared before the court and adduced any evidence. On the other hand, the documents produced by the Petitioner at **Ex.P1 to P.3** reveals that Petitioner's son by name **Harshit.M is S/o.Murthi.S and Smt.Jayanthi.R, and his date of birth is 06.03.2020**, and the same has not been entered in the concerned register. Hence, I do not find any hindrance to allow the petition as prayed. In view of the above said reasons, I answer point No.1 in the affirmative.

ORDER

The petition filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969 is allowed.

The Respondent is hereby directed to enter the date of birth of the Petitioner's son by name **Harshit.M is S/o.Murthi.S and Smt.Jayanthi.R, and his date of birth is 06.03.2020**, in the concerned register and issue the birth certificate of the Petitioner, after collecting the prescribed fee, as per law.

(I.P.Naik)

XXX Addl.C.M.M., B'lore.

ANNEXURE**3. LIST OF THE WITNESS EXAMINED FOR THE PETITIONER:**

PW1 : Murthi.R

2. LIST OF THE DOCUMENTS MARKED FOR THE PETITIONER:

Ex.P.1 : Non Availability Certificate

Ex.P.2 : Copy of the Adhar Card of petitioner.

Ex.P.3 : Discharge summary of petitioners wife.

3. LIST OF THE WITNESS EXAMINED FOR THE RESPONDENT:

NIL

4. LIST OF THE DOCUMENTS MARKED FOR THE RESPONDENT:

NIL

(I.P.Naik)

30th Addl.C.M.M., B'lore.

Order pronounced in Open Court vide separate order:-

O R D E R

The petition filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969 is allowed.

The Respondent is hereby directed to enter the date of birth of the Petitioner's son by name **Harshit.M is S/o.Murthi.S and Smt.Jayanthi.R, and his date of birth is 06.03.2020**, in the concerned register and issue the birth certificate of the Petitioner, after collecting the prescribed fee, as per law.

(I.P.Naik)
XXX Addl.C.M.M., B'lore.