

IN THE COURT OF THE XXXVI ACMM, BENGALURU.

Dated this the 5th day of August 2023

**Present: Sri.Nitin Y. Rao, B.Com.,LL.B., Spl.,
XXXVI ACMM., Bengaluru.**

Crl.Misc.No.5048/2023

PETITIONER: Sri.Pranav Sriram Gargey
S/o Sriram
Aged about 21 years,
R/at:No.10. Manuguna Hights,
8th A.Main Road,
Kavalbyrasandra, RT Nagar,
Bengaluru.

(By Smt.UD Adv.,)

V/S

RESPONDENT: The Registrar of BBMP
Birth and Deaths,
Bengaluru.

(Exparte)

ORDER

This petition is filed by the petitioner U/s.13(3) of the Birth and Death Registration Act, praying to direct the respondent to make an entry of the date of birth of

petitioner as 6/10/2002 in the Birth Register maintained by the respondent.

2. The petitioner in his petition has contended as follows:

That he is a permanent resident of No.10. Manuguna Hights, 8th A.Main Road, Kavalbyrasandra, RT Nagar, Bengaluru. By oversight, in advertence and bonafide mistake, the date of birth of petitioner by name Pranav Sriram Gargey S/o Sriram and Smt.Vanishree Hebbale born on 6/10/2002 at Bengaluru was not brought to the notice of the respondent. As such there is no entry in the concerned Birth Register maintained by te respondent. The petitioner knew this fact when he went to take the Birth Certificate. Hence, prayed to allow the petition.

3. After service of notice respondent has not appeared and placed ex-parte.

4. The petitioner examined himself as PW1 and got marked 4 documents at Ex.P1 to 4 and closed his

side. On the other hand the respondent did not lead any evidence.

5. The points that arised for my consideration of this Court are:

1. Whether the petitioner has made out grounds to register date of birth of petitioner as 6/10/2002 in the register maintained by respndent?

2. What order?

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

Point No.1: In the Affirmative

Point No.2: As per final order

for the following:

::REASONS::

7. **Point No.1:** The petitioner in order to prove his case examined himself as PW1 and got marked 4 documents at Ex.P1 to 4. PW1 in his evidence has stated that he has born on 6/10/2002 at Bengaluru It is pleaded that when he has approached Birth Registrar

for the purpose of getting Birth Certificate, but respondent has not registered date of birth in concerned Register. It is further contended that he has not informed the date of birth of petitioner due to unawareness of the law. Ex.P1 is the Non-Availability Certificate issued by the respondent wherein it is mentioned that date of birth of petitioner is not recorded in concerned Register. He has also produced notarised copy of Aadhaar Card, SSLC Marks Card and Passport of petitioner, which are marked at Ex.P2 to 4.

8. On perusal of the affidavit and the documents produced by the petitioner, it appears from the records that the petitioner has no mala fide intention. Hence, it is just and necessary to direct the respondent to enter the date of birth of petitioner by name Pranav Sriram Gargey S/o Sriram and Smt.Vanishree Hebbale born on 6/10/2002 in the Birth Register maintained by the respondent. Hence, this Court answered the above Point No.1 in the Affirmative.

9. **Point No.2:** In view of the above reasons given on Point No.1, this Court proceeds to pass the following:

ORDER

The petition filed by the petitioner U/s. 13(3) of Birth and Death Registration Act is allowed with no order as to costs.

The respondent is directed to enter the date of birth of petitioner by name Pranav Sriram Gargey S/o Sriram and Smt. Vanishree Hebbale born on 6/10/2002 in the Birth Register and to issue the Birth Certificate to the petitioner as per law by taking late fee.

(Dictated to the Stenographer on on-line, transcript computerized by her revised, corrected and then pronounced in the open Court on this 5th day of August 2023).

(Nitin Yeshwanth Rao),
XXXVI ACMM.,
Bengaluru.

::ANNEXURE::

1. List of Witnesses examined on behalf of the Petitioner:

PW1 : Pranav Sriram Gargey

2. List of Documents exhibited on behalf of Petitioner:

Ex.P1: Non Availability Certificate

Ex.P2 : Notarised copy of Aadhar Card

Ex.P3 : Notarised copy of SSLC Marks Card

Ex.P4 : Notarised copy of Passport

3. List of Witness examined on behalf of Respondent:

-NIL-

4. List of Documents exhibited on behalf of Respondent:

-NIL-

XXXVI ACMM.,
Bengaluru.

