

19.3.2024

**ORDER ON PETITION UNDER SECTION 13(3) OF THE
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

The petitioner has filed this petition in order to get birth certificate of her son Prasad Kumar.M as the date of birth is dated: 15.05.2011.

2. The brief facts of the petitioner case:

It is the case of the petitioner that, her son was born on 15.05.2011 within the limits of Hennur, Bengaluru, but due to the ignorance of law, she could not inform the information to the concerned authority to enter the same. Recently, she had approached the respondent authority for issuance of Birth Certificate, but the respondent authority issued an endorsement stating that, birth date of her son was not registered. Therefore, claiming the necessity to enter the date of birth of her son 15.05.2011 in the birth certificate, the petition.

3. In spite of receipt of the notice, the respondent has remained absent and therefore, it is placed ex-parte.

4. On the basis of the pleading, the points that arise for my consideration are:

1. Whether the petitioner has made out valid ground to allow the petition?

2. What order?

5. In order to prove the petitioner case, the natural guardian of the petitioner has entered the witness box by examining as PW.1 and got marked documents at Ex.P.1 and P.2 and closed her side evidence.

6. Heard and perused the materials available on record.

7. My answer to the point No.1 in the Affirmative and Point No.2 as per the following:

REASONS

8. **Point No.1:** In order to prove the case of the petitioner, the natural guardian of the petitioner got examined as PW.1 and got marked the Ex.P.1 and P.2 documents. It is her case that, her son Prasad Kumar.M was born on 15.05.2011 within the limits of Hennur, but due to the ignorance of law, she could not recorded the information with the respondent authority and since, the birth certificate is necessary, she has prayed a direction to the respondent authority to register the date of birth of her son in

the concerned records and so also, to issue a direction to the respondent authority to issue the birth certificate.

9. As said above, the petitioner has got produced Ex.P.1 and P.2 documents. On perusing the Ex.P.1 the Non-Availability certificate, it shows that the petitioner having no option to get the Birth Certificate approached the court with this petition. On perusing the materials placed before the court, it reveals that, the petitioner made her genuine efforts to get the Birth Certificate for the documentation purpose. Further, the Ex.P.2 is the study certificate issued by the concerned school, which also goes to indicate that, the date of birth of Prasad Kumar.M is dt:15.05.2011 which cannot be neglected. More so, the oral and documentary evidence of the petitioner has remained unchallenged. In this circumstance, there is no other option than to consider the claim of the petitioner. Therefore, on considering the evidence available on record, I am of the considered opinion that, the petitioner is entitled for the direction to the respondent authority in order to obtain the Birth Certificate. Accordingly, Point No.1 is answered in the Affirmative and the point No.2 as per the following:

ORDER

Petition filed under section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to register the date of birth of petitioner's son by name **PRASAD KUMAR.M, S/O.SRI. DODDAMALLESH AND SMT. MALLAMMA** was born on **15.05.2011** at **No.323/1, Horamavu, Agara, Bengaluru -43** in the concerned register of births after collecting necessary fee.

(JAI SHANKAR.J)
XXII ACMM, BENGALURU.