

**IN THE COURT OF THE II ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE OF BENGALURU CITY**

Dated this the 13th July 2022

PRESENT : **SRI.VEDAMOORTHY B.S.** B.A.(L), LL.B.
II Addl. Chief Metropolitan Magistrate, Bengaluru City.

Cri.Misc.No.3936 /2022

PETITIONER : Nafisa Juzar Dada
Aged about 1½ year,
Represented by father
Sri.Juzar Fakhruddin Dada,
Aged about 35 years,
S/o Fakhruddin Saleh Bhai,
Residing at No.88/2,
Dream House Apartment, 4th Floor,
No.301, Bannerghatta Road,
Gottigere, Bengaluru – 560 083.

(By Smt.Saraswathi, Advocate)

V/s

RESPONDENT : The Commissioner,
Registrar of Births & Deaths,
B.B.M.P., Bengaluru.
(By Smt.Girija B., Advocate)

ORDERS

This petition is filed by the petitioner under Section 13(3) of the Registration of Births and Deaths Act, 1969 seeking directions to the respondent to register the event of

birth of Nafisa Juzar Dada daughter of Juzar Fakhruddin Dada and Smt.Fatema Juzar Dada as 01.11.2020 at Deepak Hospital, Bengaluru – 560 070 and to issue birth certificate.

2. The petitioner has contended in the petition that his daughter Nafisa Juzar Dada was born on 01.11.2020 at Deepak Hospital, Bengaluru – 560 070. The petitioner is in need of birth certificate for documentation purpose and other purpose. The petitioner does not have the knowledge of legal procedures in obtaining birth certificate and failed to obtain the same in time. Due to lack of knowledge, information and legal procedures, the petitioner could not complied the same in time before the concerned authorities. On the approach of the petitioner, the respondent has issued an endorsement of Non-Availability Certificate. Hence, this petition is filed.

3. After due service of notice to the respondent, the respondent appeared before this Court and filed the statement of objections stating that the petition is misconceived and liable to be dismissed. The petitioner is

put to strict proof of the contents of the petition. The respondent has no knowledge of the petition averments. The petitioner has not produced relevant documents to prove his case. There is no cause of action to file the petition. The alleged cause of action is created to file this petition. The petitioner was not born within the jurisdiction of this court. Therefore, the petition is liable to be dismissed on the point of jurisdiction. Hence, prayed to dismiss the petition.

4. To prove the case of petitioner, he is examined as PW1 and he has produced the documentary evidences Ex.P1 to Ex.P4. The respondent has not produced any evidences either oral or documentary. Heard the learned counsels for both sides.

5. The points that would arise for my consideration are as follows:-

1. Whether the petitioner has made out sufficient grounds to allow the Petition?
2. What order?

6. 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

7. **POINT No.1** : It is contended by the petitioner that his daughter Nafisa Juzar Dada was born on 01.11.2020 at Deepak Hospital, Bengaluru – 560 070 and her birth particulars are not entered in the Register of the respondent by the hospital authority. Ex.P1 is the Non-availability certificate, Ex.P2 and Ex.P3 are the copies of Aadhar Cards of Juzar Fakhruddin Dada and Smt.Fatema Juzar and Ex.P4 is the copy of Discharge summary of Smt.Fatema Dada. The petitioner in his affidavit filed by way of examination-in-chief of PW1 has reiterated the petition averments. The respondent has not produced any evidences either oral or documentary.

8. On perusal of the contents of Ex.P4, it appears that the daughter of the petitioner Nafisa Juzar Dada was born on 01.11.2020 at Deepak Hospital, Bengaluru – 560 070 and her date of birth is not entered in the Register maintained by the

respondent. Under these circumstances, the petitioner has made out sufficient grounds to allow the petition. Hence, I answer **Point No.1 in Affirmative.**

9. **POINT NO.2** :- In view of the above findings on Point No.1, I proceed to pass the following:

ORDERS

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

The respondent is directed to enter the event of birth of the daughter of the petitioner Juzar Fakhruddin Dada and Smt.Fatema Juzar Dada by name Nafisa Juzar Dada was born on 01.11.2020 at Deepak Hospital, Bengaluru – 560 070 and issue the birth certificate to the petitioner by collecting necessary fees.

It is made clear that the direction given in this case binds only the Petitioner and respondent in this case i.e., parties to this proceeding.

No order as to cost.

(Typed by Stenographer in the Court computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court on this the 13th day of July 2022.)

(VEDAMOORTHY B.S.)
II Addl. Chief Metropolitan Magistrate,
Bengaluru City.

ANNEXURE

List of witnesses examined on behalf of the Petitioner :

PW1 : Sri. Juzar Fakhruddin Dada.

List of documents marked on behalf of the Petitioner :

Ex.P1 : Non-Availability Certificate,
Ex.P2 & 3 : Copies of Aadhar cards,
Ex.P4 : Discharge Summary.

List of witnesses examined on behalf of the Respondent :

- NIL-

List of documents marked on behalf of the Respondent :

- NIL -

(VEDAMOORTHY B.S.)
II Addl. Chief Metropolitan Magistrate,
Bengaluru City.

13.07.2022

(Order pronounced in the open court vide separate order sheet)

ORDERS

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(VEDAMOORTHY B.S.)

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