

**IN THE COURT OF THE V ADDL.CHIEF
METROPOLITAN MAGISTRATE, BANGALORE CITY.**

Dated this the 27th day of November, 2021.

PRESENT

**Sri. RAJESH N. HOSAMANE B.Sc.ML
V ACMM BENGALURU**

Crl.MISC.No.3197/2021

Petitioner : D.Nagmani
W/o R.Manu
Aged about 30 years
R/at No.198, Hennur Main Road
Kalyan Nagar, Bangalore.

(By Smt.Umadevi Advocate)

- Vs -

Respondent : The Registrar of Births & Death
Office of the Commissioner,
BBMP, Bangalore.

(By Smt. G.B.- Advocate)

**ORDERS ON PETITION FILED U/S 13(3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT
1969**

It is case of the petitioner that her daughter Khushi.M was born on 29.10.2017 at the residence shown in the cause title; when applied for birth certificate the respondent issued Non Availability Certificate stating birth event is not registered in concerned register, it is just and necessary to issue necessary direction to respondent to enter birth event

to relevant register and issue birth certificate to the petitioner.

2. The respondent appeared through his counsel and filed objection. In the objection the respondent has submitted that the petition is wholly misconceived and as such liable to be dismissed in limine. The petitioner is not entitled for any relief as sought in the petition. The petitioner has not produced any relevant documents to prove the case. There is no cause of action to file present petition. The petitioner has filed the present petition very casually without any sufficient materials and grounds. Hence, the petitioner is not entitled to get the relief as claimed in the petition. Hence on all these grounds, the respondent prayed to dismiss the present petition.

3. The petitioner got examined as P.W.1 and got marked documents at Ex.P.1 to Ex.P.4.

4. Heard the arguments and perused the material on record.

5. On the basis of the contents of the petition the following points arise for my consideration :

1. Whether the petitioner made out grounds u/s, 13(3) births and Deaths Act for issuance of necessary directions as prayed for ?

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. In this case petitioner contended that her daughter was born on 29.10.2017. The petitioner has not informed the said fact to the respondent. Now her daughter's birth certificate is required for documentation purpose. Respondent has issued an endorsement stating that the entries are not available. Therefore she prays for issue of necessary direction to the respondent for registration of the fact of her daughter's birth on 29.10.2017.

8. In this case petitioner given her evidence in corroboration to the averments stated in the petition and also got marked notarized copy of Adhar Card of petitioner which is marked as Ex.P2. Notarized copy of Adhar Card of husband of petitioner marked as Ex.P3.

Ex.P4 is notarized copy of Birth Report of daughter of petitioner issued by Lakshmi Maternity & Surgical Center, Malleshwaram, Bangalore. Ex.P1 Non Availability Certificate issued by the respondent shows the cause of action.

9. On perusal of Ex.P4 i.e. Birth Report, it reveals that, name of the daughter of petitioner is Khushi.M D/o R.Manu and her date of birth is 29.10.2017. Judicial Note of the same is taken on record. The oral evidence which corroborates documentary evidence produced by the petitioner is cogent and convincing. Nothing is extracted from the mouth of PW 1 by the respondent to rebut the same. The correctness of birth event appears to be correct and acceptable. Accordingly, I answer the point for consideration in affirmative. For the aforesaid reasons I proceed to pass the following.

ORDER

The petition U/S 13(3) Births and Deaths Act filed by the petitioner is hereby allowed.

The respondent is directed to enter the birth event of the petitioner's daughter by

name Khushi.M D/o R.Manu and D.Nagamani dated 29.10.2017 to relevant register on receipt of late fees from the petitioner and issue birth certificate accordingly to the petitioner.

(Dictated to the stenographer, transcribed by her and corrected by me, then pronounced in the open court, on this 27th day of November, 2021)

**(RAJESH N.HOSAMANE)
V A.C.M.M., BANGALORE**

ANNEXURE

Witnesses examined for the Petitioner :

PW.1 : D.Nagamani

Witness examined for the Respondent : Nil

List of Documents marked for the Petitioner :

Ex.P1 : Endorsement issued by the
Commissioner, BBMP.
Ex.P2 : Copy of Adhar Card of petitioner.
Ex.P3 : Copy of Adhar Card of husband of petitioner.
Ex.P4 : Copy of Birth Report.

List of Documents marked for the Respondent : Nil

**(RAJESH N.HOSAMANE)
V A.C.M.M., BANGALORE**

(Order pronounced in the open court vide separate order)

ORDER

The petition U/S 13(3) Births and Deaths Act filed by the petitioner is hereby allowed.

The respondent is directed to enter the birth event of the petitioner's daughter by name Khushi.M D/o R.Manu and D.Nagamani dated 29.10.2017 to relevant register on receipt of late fees from the petitioner and issue birth certificate accordingly to the petitioner.

27.11.2021

V ACMM, BANGALORE

