

**IN THE COURT OF 36<sup>TH</sup> ADDITIONAL CHIEF  
METROPOLITAN MAGISTRATE, BENGALURU.**

**Present:-**

**Sri. Hanamantarao R.Kulkarni  
B.Com., LL.B.,  
36<sup>th</sup> Addl. Chief Metropolitan Magistrate,  
Bengaluru.**

**Cri.Misc.No.5864/2021**

**Dated this the 10<sup>th</sup> day of February, 2022**

1. Sarveshwaran.K  
S/o. Krishnan  
Aged about 38 years  
Father of minor daughter-monika.S  
R/o. NO. 1555,  
Near Mariyamma Temple  
Basaveshwarnagar  
Bengaluru-560079.

.....Petitioner

(By Smt., Umadevi., advocate)

-Versus-

1. The Commissioner,  
The BBMP, Birth and Death Registrar,  
Bangalore

... Respondent-

Absent.

**ORDER**

1. The instant petition has been filed by the petitioner under Sec.13(3) of the Registration of Births and Deaths Act seeking direction of this Court to the respondent to register the date of birth of the petitioner's daughter by

name Monika.S as on 27/04/2007 in the concerned birth register.

2. The brief facts of the case of the petitioner are as under:

It is the contention of the petitioner that his daughter has been born on 27/04/2007 at Bengaluru. It is pleaded that when the petitioner has approached the respondent for the purpose of getting birth certificate, respondent has not registered date of birth in the concerned register. Therefore, it is required for relevant purposes. Further, the petitioner has filed an application before the respondent for issuing birth extract of his daughter, but the respondent has issued non-availability certificate on 01/12/2021 stating that birth of petitioner's daughter named above is not registered in register of births. Hence, the present petition.

3. Though the notice has been served on the respondent, he has not appeared before the Court, hence he has been placed ex-parte.

4. The petitioner in order to prove his case examined himself as P.W.1 and got marked five documents at Ex.P.1 to Ex.P.5 and closed his side.

5. I have heard the learned Counsel for the petitioner.

6. After the perusal of the case the following points would arise for my consideration:

1) Whether the petitioner is entitled for the relief as sought in the petition?

2) What order?

7. 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:

### **R E A S O N S**

8. **Point No.1**: The petitioner in order to prove his case examined himself as P.W.1 and got marked five documents at Ex.P1 to Ex.P5. P.W.1 in his evidence has stated that his daughter has been born on 27/04/2007 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 his daughter due to un-awareness of the law. Ex.P.1 is the non-availability certificate issued by the respondent wherein it is mentioned that date of birth of petitioner's daughter is not recorded in concerned register. He has also produced notarised copies of 03 Aadhar Cards and notarised copy of School Study Certificate, which are marked at Ex.P2 to Ex.P5. The oral and documentary evidence adduced by petitioner is sufficient to hold that his daughter has born on 27/04/2007. Accordingly, I answer this point in the affirmative.

9. **Point No.2**: In the result, I proceed to pass the following:

### **ORDER**

The petition filed by the petitioner Under Sec. 13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of birth of the petitioner's daughter by name Monika.S d/o. Sarvesjwaran K and S Mageshwari as on 27/04/2007 at No. 1555, Near Mariyamma Temple, Basaveshwarnagar, Bangalore-560079 in

the concerned birth register and issue birth certificate after collecting the late fee.

(I have directly typed on my laptop and corrected and then pronounced by me in the open Court on this the 10<sup>th</sup> day of February, 2022.)

**(Hanamantarao R.Kulkarni)**  
36<sup>th</sup> Addl. Chief Metropolitan Magistrate, Bengaluru.

**:ANNEXURE:**

**Witnesses examined on behalf of the Petitioner:**

PW.1. : Sarveshwaran K

For Respondent : Nil.

**Documents marked on behalf of Petitioner:**

Ex.P.1: Non Availability Certificate

Ex.P.2 to 4: Notarised copies of 03 Aadhar Cards

Ex.P.5: Notarised copy of School Study Certificate.

**(Hanamantarao R.Kulkarni)**  
36<sup>th</sup> Addl. Chief Metropolitan Magistrate, Bengaluru.

(Order pronounced in Open Court)

**ORDER**

The petition filed by the petitioner Under Sec. 13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of birth of the petitioner's daughter by name Monika.S d/o. Sarvesjwaran K and S Mageshwari as on 27/04/2007 at No. 1555, Near Mariyamma Temple, Basaveshwarnagar, Bangalore-560079 in the concerned birth register and issue birth certificate after collecting the late fee.

**(Hanamantarao R.Kulkarni)**

36<sup>th</sup> Addl. Chief Metropolitan Magistrate, Bengaluru.

