

**IN THE COURT OF THE XXVIII ADDL.CHIEF
METROPOLITON MAGISTRATE, NRUPATHUNGA
ROAD, BENGALURU CITY**

Dated this the 09th day of March, 2022

**Present:- Sri. MANJUNATHA, B.A, LLB
XXVIII A.C.M.M
Bengaluru City.**

Crl. Misc.No.5861/2021

PETITIONER :- Chandan Gopinath
S/o Gopinath,
Aged about 34 years,
R/at No.61,
Vishnupadmalaya,
5th main road,
KRTC Layout,
Chikkalasandra,
Bangaluru-560061.

V/s.

**RESPONDENT :- The Commissioner
of Birth & Death,
BBMP,
Bangaluru.**

ORDER

The petitioner has filed this petition U/s 13(3) of Registration of Birth & Death Act, 1969 seeking direction to the respondent to enter his date of birth in the birth register maintained by the respondent.

1. The brief facts of the petitioner's case.

The petitioner Chandan Gopinath S/o Gopinath and Smt. Sridevi claims that, he was born on 02.01.1987 at No.61, Vishnupadmalaya, 5th main road, KSRTC Layout, Chikkalasandra, Bengaluru-560061. Subsequently he is named as Chandan Gopinath. Due to ignorance, his parents could not comply the event of his date of birth to the respondent.

2. Now the petitioner is required his birth certificate for documentation purpose. The petitioner submitted the representation to the respondent to issue his birth certificate. For the said representation the respondent has issued non-availability certificate. Hence, the

petitioner has filed this petition with prayer to issue direction to the respondent to enter his date of birth in the register maintained by the respondent.

3. In pursuance of the filing of petition, the notice came to be issued to the respondent. In spite of service of notice the respondent failed to appear. Hence, he has placed ex-parte.

4. In order to prove his case the petitioner got examined as PW1 and got marked 3 documents as Ex.P1 to Ex.P3. The respondent neither adduced evidence nor got marked any documents.

5. Heard arguments and perused the records.

6. The point that arises for my consideration are as under:-

1. *Whether the petitioner proves that, his date of birth 02.01.1987 has not entered in the concerned register maintained by the office of respondent?*

2. *Whether the petitioner is entitle for the relief sought for?*

3. *What order?*

7. My findings on the above points are as under:-

Point No.1 & 2 :- *In the Affirmative*

Point No.3 :- *As per final order for the following:-*

REASONS

8. **Point No.1 and 2:-** Since these points are interrelated with each other to avoid repetition of facts, these points are taken up together for discussion. The petitioner claims that, he is the son of Sri. Gopinath and Smt. Sridevi, he was born on 02.01.1987 at No.61, Vishnupadmalaya, 5th main road, KSRTC Layout, Chikkalasandra, Bengaluru-560061. Subsequently he is named as Chandan Gopinath. Due to ignorance, his parents could not comply the event of his date of birth to the respondent. Now the petitioner is required his birth certificate for documentation

purpose. When he approached the respondent office seeking his birth certificate, the respondent has issued an endorsement about non-availability certificate.

9. In order to prove the case of the petitioner, the petitioner got examined as PW1. In his chief examination he has reiterated all the facts narrated in the petition. Apart from this, the petitioner in order to substantiate his claim got marked the documents Ex.P1 to P3. Ex.P1 is the Non availability certificate, Ex.P2 is the SSLC Marks card, Ex.P3 is the Aadhaar card of petitioner show that **Chandan Gopinath S/o Gopinath and Smt. Sridevi was born on 02.01.1987** as stated in the petition.

10. As noted supra, even after service of the notice the respondent fails to appear. Therefore, he has placed exparte. The oral and documentary evidence placed on record by the petitioner remains

unchallenged. There is nothing on record to disbelieve the case of the petitioner. The oral and documentary evidence placed on record herein establishes that, the birth date of the petitioner **Chandan Gopinath S/o Gopinath** was not entered by the respondent in the concerned register. Therefore, in the considered opinion of this Court the petitioner is entitle for an order as prayed in the petition. Accordingly, I answer point No.1 and 2 are in the affirmative.

11. **Point No.3**:- In view of my finding on point No. 1 and 2, I proceed to pass the following:-

ORDER

The petition filed by the petitioner U/s. 13(3) of Karnataka Registration of Birth and Death Act, 1969 is here by allowed.

The Respondent is directed to register date of birth of the **Chandan Gopinath S/o Gopinath and Smt. Sridevi was born on 02.01.1987 at home at**

No.61, Vishnupadmalaya, 5th Main Road, KSRTC

Layout, Chikkalasandra, Bengaluru-560061, after

collecting necessary late fee.

No order as to cost.

(Dictated to Stenographer directly on computer and typed by her, taken print out, corrected and then pronounced by me in the open court on this the 09th day of March, 2022)

(MANJUNATHA)
XXVIII Addl. Chief Metropolitan
Magistrate, Bengaluru.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONER:-

PW1 : Chandan Gopinath

LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONER:-

Ex.P1 : Non-availability Certificate
Ex.P2 : SSLC Marks card of petitioner
Ex.P3 : Aadhaar card of petitioner

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT:-

-Nil-

LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT:-

-Nil-

XXVIII A.C.M.M., Belgaluru.

09.03.2022

Orders

Orders pronounced in the open court vide separate order.

ORDER

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No order as to cost.

XXVIII ACMM, Belgaluru.

