

IN THE COURT OF THE PRL CIVIL JUDGE & J.M.F.C.,
AT CHANNAPATNA.

Present:

Sri. MAHENDRA. M., B.A, LL.B.,

Prl. Civil Judge & JMFC, Channapatna

Dated: This 03rd day of January-2023

CRL. MISC. No.1031/2022

Petitioner : Sri. G.P. Yogesh Gowda
W/o Puttaswamy Gowda,
Aged about 29 years,
R/a:Garakahalli Village,
Virupakshipura Hobli,
Channapatna Taluk,
Ramanagara District.

(By Sri. G.K. Kemparaju. Advocate)

//Versus//

Respondent: The Tahasildar,
Channapatna Taluk,
Ramanagara District.

(Exparte)

O R D E R

The Petitioner has filed this Petition against the Respondent U/Sec.13 (III) of Births and Deaths Registration Act, 1969 seeking direction to the Respondent to enter the date of birth of his **son** by name Lankesh Siddartha Gowda S/o Yogesh Gowda.G.P. Born on 25.07.2019 at Garakahalli Village, Virupakshipura Hobli, Channapatna Taluk, Ramanagara District.

2. The averments of the Petition in brief are as under:

That the **son** of the Petitioner born on 25.07.2019 at Garakahalli Village, Virupakshipura Hobli, Channapatna Taluk, Ramanagara District. Respondent is the Registrar of Births and Deaths. The Petitioner could not inform the date of birth of her son to the concerned Authority. The Petitioner has approached the Respondent for birth certificate of son of the petitioner. But, the Respondent has stated that date of birth is not registered in the office and expressed his helpless for issuing the birth certificate. In this regard, the Respondent has issued Non-availability Certificate. The Petitioner required birth Certificate for future education of her son. Hence, the Petitioner prayed to allow the Petition.

3. After filing of the petition, notice of the same was given to the Respondent to appear and contest the matter by filing objection if any. The said notice has been duly served upon the Respondent failed to appear before this Court. Further there was no any objection taken by the public at large. Thereafter, the petitioner in order to establish his claim the petitioner got examined himself as P.W.1 and got marked documents as Ex.P1 and 5 and closed his side.

4. Heard arguments.

5. The following Points are arise for consideration of this court:

1. Whether the Petitioner has made out grounds for allowing the present petition?

2. What Order?

6. The findings of this court to 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**: - The petitioner in this case got examined himself as PW.1 by reiterating the contents of the petition and in proof of the same, he got marked Ex.P1 to 5.

8. Ex.P1 is the Non-Availability Certificate, Ex.P2 is the Revenue Inspector report, Ex.P3 is the Village account report, Ex.P4 is the Mazahar and Ex.P5 is the Notarized Copy of Aadhar card.

9. This court perused the oral and documentary evidence available on record. It appears that the **son** of the Petitioner born on 25.07.2019 and the birth of the

Petitioner son was not registered in the Birth Register maintained by the Respondent.

10. Though the notice was served on the Respondent. Respondent did not appear before this court Further nobody at public at large challenged the case of the Petitioner. The Petition averments and the evidence of PW.1 remained unchallenged by the Respondent. **In the case of Devamma V/S register of Birth and Death, Mysore report in AIR 2004 Karnataka 221-our Hon'ble High Court has observed that the correctness or otherwise of the date of birth concerned is totally irrelevant in the proceedings u/Sec.13(3) of the registration of Births and Deaths Act-1969 and it is only the fact of birth is relevant.** Hence, there are no reasons to disbelieve the case of the Petitioner. **Hence, this court answer Point No.1 in the 'Affirmative'.**

11. **POINT NO.2:** - In view of the above discussion, this court proceed to pass the following:

ORDER

The Petition filed by the Petitioner **U/Sec.13 (III) of Births and Deaths Registration Act, 1969** is hereby allowed.

The Respondent is directed to enter the date of birth of the Petitioner **son** by name **Lankesh Siddartha S/o Yogesh Gowda G.P. born on 25.07.2019 at Garakahalli Village, Virupakshipura Hobli, Channapatna Taluk, Ramanagara District.** in the birth Register maintained by his and issue birth Certificate after collecting the necessary fees, etc. This entry shall not be the conclusive proof regarding the date of birth if it is disputed in any criminal case or litigation.

(Dictated to the stenographer and transcribed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the **03rd day of January-2023**).

(Mahendra.M)
Prl. Civil Judge & JMFC,
Channapatna.

ANNEXURES

List of the Witnesses examined on behalf of Petitioner:

P.W.1 : Sri. G.P. Yogesh Gowda

List of the Documents marked on behalf of Petitioner:

Ex.P-1 : Non-Availability Certificate

Ex.P-2 : Revenue Inspector Report.

Ex.P3 : Village Accountant Report

Ex.P4 : Mahazar

Ex.P5 : Notarized Copy of Adhar Card.

List of the Witnesses examined on behalf of Respondents:

--Nil--

List of the Documents marked on behalf of Respondents:

--Nil--

Prl. Civil Judge & JMFC,
Channapatna.

Order pronounced in open court

Vide separate order sheet

O R D E R

The Petition filed by the Petitioner **U/Sec.13 (III) of Births and Deaths Registration Act, 1969** is hereby allowed.

The Respondent is directed to enter the date of birth of the Petitioner **son** by name **Lankesh Siddartha S/o Yogesh Gowda G.P. born on 25.07.2019 at Garakahalli Village, Virupakshipura Hobli, Channapatna Taluk, Ramanagara District.** in the birth Register maintained by his and issue birth Certificate after collecting the necessary fees, etc. This entry shall not be the conclusive proof regarding the date of birth if it is disputed in any criminal case or litigation.

Office is directed to return the documents in favour of petitioners after producing the certified copies of the same.

**Prl. Civil Judge & JMFC,
Channapatna.**