

**IN THE COURT OF THE XIX ADDL.CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.**

**PRESENT: SRI.FAROOQ ZARE, B.A. (Law),LL.B., L.L.M.,
XIX ADDL.C.M.M., BENGALURU.**

DATED THIS THE 30th DAY OF JUNE 2022

CRIMINAL MISCELLANEOUS NO.3924 of 2022

Petitioner :- Trimurty Chenapayan Pillai
S/o Chenapayan Chenaswami Pillai,
Aged about 50 years,
R/at No.J-49,
1st Main, 3rd Cross,
Hanumathapuram,
Bangalore-560021.

(By Smt.K.S.,Advocate)

-V/s-

Respondent :- The Commissioner
Registrar Briths and Deaths,
B.B.M.P., Bengaluru.

(Exparte)

O R D E R

1. The petitioner has filed this petition
U/sec.13(3) of Karnataka Registration of Birth and

Death Act 1969 for entering his date of birth in the register maintained by the office of the respondent.

2. In the petition it is stated that the petitioner by name Trimurthy Chenapayan Pillai was born on 03.06.1972 in Bengaluru. The birth event of his was not entered in the register maintained by the respondent in their office. The petitioner needs his birth certificate for documentation purpose. It is stated that the petitioner submitted an application to respondent for issuing birth certificate for which respondent issued a non-availability certificate. For the reasons stated supra petitioner prays to allow the petition.

3. The notice was issued to the respondent, same was duly served but respondent remained absent before the court and placed exparte. Thereafter, the

case was posted for evidence. The petitioner has got examined himself as PW1, in his oral evidence reiterated petition averments and got marked Ex.P1 to Ex.P3. Since the respondent placed exparte, the evidence of PW1 remained unchallenged.

4. Heard the arguments and perused the petition.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is deserved to be allowed.?

Point No.2: What order.?

6. My findings to the above points are as here under;

Point No.1: In the **Affirmative.**

Point No.2: As per the final **order** for the following;

R E A S O N S

7. **Point No.1:-** The petitioner has stated that he was born on 16.06.2022 in Bengaluru. The birth certificate is required for the sake of documentation. He approached the respondent for availing the birth certificate but respondent gave an endorsement that the event of birth of petitioner is not entered in the register and issued non-availability certificate at Ex.P1 in response to the petition submitted by him. The respondent remained absent and placed exparte. The averments of the petition and evidence of PW1 and documentary evidence at Ex.P1 to Ex.P3 are remained unchallenged. Ex.P2 and Ex.P3 notarized copies of Aadhaar Card as well as Pan card of the petitioner disclose that the date of birth of petitioner is 03.06.1972 and there are no grounds to disbelieve the case of the petitioner. The very object of the Karnataka

Registration of Birth and Death Act 1969 is to enter the registration of births and deaths in the concerned register. Therefore, the point No.1 is answered in the **Affirmative.**

8. **Point No.2:** In view of my findings to the point No.1, I proceed to pass the following;

O R D E R

The petition is **allowed.**

The respondent is hereby directed to enter the date of birth of petitioner by name **Trimurthy Chenapayan Pillai S/o Chenapayan Chenaswami Pillai** and **Smt.Nayammal**, as he was born on **03.06.1972**, in the concerned register and issue birth certificate accordingly on collecting necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected by me and then pronounced in the Open Court on 30th June, 2022.)

(Farooq Zare)
XIX A.C.M.M., BENGALURU.

A N N E X U R E

I. List of witnesses examined by petitioner:-

PW.1 :- Trimurthy Chenapayan Pillai.

II. List of exhibits marked by respondent:-

Ex.P1 :- Non-availability Certificate.

Ex.P2 :- Notarized copy of Aadhaar card.

Ex.P3 :- Notarized copy of Pan Card.

III. List of witnesses examined by respondent:--NIL-

IV. List of exhibits marked by respondent:- - NIL-

(Farooq Zare)
XIX A.C.M.M., BENGALURU.