

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND JMFC., AT
BALLARI**

Present: Sri.Ameet Ghatti, B.A., LLB.,
Prl.Civil Judge and JMFC., Ballari.

Crl.Misc.No.408/2024

Dated on this the 22nd day of May, 2024

Petitioner : Dharmaraj B.R. S/o late B.Ramesh Babu, 39
years, R/o W.No.16, H.No.4/A, HLC Colony,
Patel nagar, Ananthpur road, Ballari.

(By Sri.K.C.R., Adv.)

V/s

Respondent : The Registrar of Births and Deaths, City
Corporation, Ballari.

(Exparte)

ORDERS

The petitioner has filed the petition under Section 13(3) of Registration of Births and Deaths Act and sought for issue direction to the respondent to enter date of birth of son of the petitioner in the concerned Birth Register maintained by the respondent.

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

The petitioner's son Nihal B.R.D. was born on 09.01.2021. But, due to the inadvertence, date of birth of petitioner's son has not been intimated to the respondent authority in time, as such the respondent has not entered the date of birth of petitioner's son in the Register maintained by the respondent. That, the petitioner has applied for Birth Certificate but the respondent has issued Non availability Certificate stating that, the date of birth of the petitioner's son has not been entered in the concerned Register by issuing non availability certificate. Hence, the petitioner has filed the present petition.

3. The respondent in spite of service of notice has not been appeared before the court and the respondent has been placed exparte.

4. Thereafter, the petitioner got examined himself as PW.1 and got marked 3 documents at Ex.P.1 to 3. As the respondent has been placed exparte and there is no evidence on behalf of the respondent.

5. Thereafter heard argument advanced on behalf of the petitioner. After hearing the argument and on perusal of the case papers the points that arise for consideration are as here under:

1. Whether the petitioner proves that, date of birth of petitioner's son is not entered in the Birth Register maintained by the respondent?

2. What order ?

6. The findings on the above points are as hereunder:

Point No.1: In the affirmative.

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

REASONS

7. **Point No.1:** The petitioner has reiterated the petition averments in his chief examination affidavit by deposing that petitioner's son was born on 09.01.2021 and the factum of birth has not been intimated to the respondent due to inadvertency as such, date of birth of petitioner's son has not been entered in the Register maintained by the respondent. Further he has deposed that, when he had applied for Birth Certificate, the respondent had issued Non availability Certificate stating that, date of birth of petitioner's son is not entered in the concerned Register. The petitioner is in need of his son's birth certificate to produce before the concerned school authorities.

8. PW1 has produced the Non-Availability Certificate issued by the respondent, which has been marked as Ex.P.1, wherein, it discloses the factum of birth of the petitioner's son has not been entered in the concerned register of respondent and also produced birth report and Aadhar card which are marked as Ex.P.2 and 3.

9. The respondent in spite of service of notice did not appear before the court. The testimony of PW.1 and the documents produced by the petitioner have not been controverted. Further Section 13(3) of The Registration Birth And Death Acts 1969 authorizes the court to

pass an order to register birth or deaths which has not been registered within one year of occurrence, after verifying the correctness of the birth or death. Therefore, under the fact and circumstance of present case it is necessary to answer Point No.1 in **affirmative**.

10. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:

ORDER

The petition filed by the petitioner under Section 13 (3) of Registration of Births and Deaths Act is hereby allowed.

Consequently, the respondent is hereby directed to enter the date of birth of the Nihal B.R.D. S/o Dharmaraj B.R. and Smt.Kamala as 09.01.2021 in the concerned Birth Register and issue the certified copy of the same to the petitioner.

The petitioner shall pay the necessary fee for the same.

(Dictated to the Stenographer directly on the computer, corrected and then pronounced by me in the open court on this the 22nd day of May, 2024).

(Ameet Ghatti)
Prl.Civil Judge & JMFC.
Ballari.

ANNEXURE**List of witnesses examined on behalf the petitioner:**

PW.1 : Dharmaraj B.R.

List of documents marked on behalf the petitioner:

Ex.P.1: Non-availability Certificate.

Ex.P.2: Birth report.

Ex.P.3: Notarized copy of Aadhar card.

(Ameet Ghatti)

Prl.Civil Judge & JMFC.
Ballari.