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IN THE COURT OF THE VIII ADDL. C.M.M., BENGALURU.

PRESENT:- Sri. K.N. Shivakumara, B.Sc., (Agri) L.L.M.,
VIII ADDITIONAL C.M.M,
BENGALURU.

Dated this the 6th Day of August, 2022

Cri.Misc.No.3807/2022

Petitioner:

Naveen Muralidhar Kalro
s/o Muralidhar N Kalro
aged about 52 years
r/at No.61/62, Anup
Apartment, Juhu Versova
Link Road, Next Karachi
Society, Anderi West
Mumbai, Maharashtra – 400 053.

Also r/at No.6E, Golf Links
Cunningham Road
Bengaluru – 560 052

(By Sri.Madhu V, Advocate)

Versus

Respondent:

The Commissioner/Registrar

Birth and Deaths
B.B.M.P. Bengaluru

(By Smt.Girija B, Advocate)

ORDERS

The Petitioner has filed this u/s 13 (3) of Registration of Births and Deaths Act, 1969 praying the court to direct the respondent to make entry of date of birth of petitioner by name **Naveen Murlidhar Kalro** in the birth and death register maintained by the respondent.

2. The facts in brief of the case of the petitioners is as follows:

The petitioner by name **Naveen Murlidhar Kalro** s/o **Mrs.Bharti Kalro** and **Mr.Murlidhar Kalro** born on **13-07-1970** at Dr.Sita Bhateja's Nursing Home at Bengaluru. The hospital authority has not intimated to the birth register regarding the entry of the birth of the petitioner in the registet. The petitioner and his parents assumed that, the birth certificate was entered into the BBMP birth register and the

parents of the petitioner had no worldly knowledge about the legal proceedings, so that they did not apply the copy of the birth certificate at that time. When the petitioner applied for birth certificate, the respondent issued non availability certificate stating that birth of the petitioner has not been entered in the register of Births and Deaths maintained by the respondent. Hence this petition.

3. Though notice was served the respondent did not appear and contest the petition.

4. The petitioner got examined himself as P.W.1 and got marked five documents as EX.P.1 to 5 and closed his side. The respondent not chosen to lead any evidence.

5. Heard arguments from the both side.

6. Perused the case records, the point arises for my consideration are;

1. Whether petitioner is entitled for the relief claimed in the petition?
 2. What order?
7. My answer to the above points are:
- Point No.1: In the affirmative
- Point No.2: As per final order for the following

REASONS

8. Points No.1 and 2:- The petitioner in his affidavit filed in lieu of examination in chief has reiterated the averments of petition. According to PW-1 his name **Naveen Murlidhar Kalro** s/o **Mrs.Bharti Kalro** and **Mr.Murlidhar Kalro** born on **13-07-1970** at Dr.Sita Bhateja's Nursing Home at Bengaluru. Due to lack of worldly knowledge and ignorance the petitioner or his family members have not reported or intimated the birth of petitioner to the respondent authorities. The birth certificate of petitioner is required for the bonafide use of his family. But when the petitioner applied for copy of birth certificate, the

respondent authority issued non availability certificate stating that date of birth has not been entered in the register maintained by the respondent.

9. The non availability certificate issued by the respondent is marked as Ex.P1, Notarized copy of Hospital Certificate, Notarized copy of TC, Notarized copy of Aadhar Card, Notarized Copy of PAN Card of petitioner are marked as Ex.P2 to 5. Ex.P2 and 3 shows the relationship between petitioner and his parents. As the respondent has not contested petition, the petition averments and the evidence of PW1 as well as the documentary evidences at Ex.P2 to 5 stood un rebutted. Thus from the oral and documentary evidences discussed herein above, the fact of birth of petitioner on 13-07-1970 is established. Further, it is also revealed that due to illiteracy and ignorance of law the said fact was not intimated to the concerned authorities by the petitioner. In the circumstances Points No.1 and 2 are answered in **affirmative**.

10. Point No.3: In view of my findings on points No.1 and 2, I proceed to pass the following:

ORDER

Petition filed by the petitioners is hereby allowed.

The Respondent shall enter the date of birth of daughter of the petitioner by name **Naveen Murlidhar Kalro** s/o **Mrs.Bharti Kalro** and **Mr.Murlidhar Kalro** born on **13-07-1970** at Dr.Sita Bhateja's Nursing Home at Bengaluru, subject to payment of fee if any as per the rules.

(Dictated to the stenographer directly on computer, typed by her, corrected by me, signed and then pronounced by me in the open Court on this 6th day of August 2022).

(K.N. Shivakumara)
VIII ACMM
Bengaluru

ANNEXURE**WITNESS EXAMINED ON BEHALF THE PETITIONER:**

PW.1 : Naveen M. Kalro s/o Muralidhar Karlo

DOCUMENTS MARKED BEHALF OF THE PETITIONER:

EX.P1 : Non availability certificate.

Ex.P2 : Notarized copy of Hospital Certificate

Ex.P3 : Notarized copy of TC

Ex.P4 : Notarized copy of Aadhar Card

Ex.P5 : Notarized copy of PAN Card

WITNESS EXAMINED FOR THE RESPONDENT:

NIL

DOCUMENTS MARKED FOR THE RESPONDENT:

NIL

VIII ACMM, Bengaluru

Order pronounced in the open court vide separately

ORDER

Petition filed by the petitioners is hereby allowed.

The Respondent shall enter the date of birth of daughter of the petitioner by name **Naveen Murlidhar Kalro** s/o **Mrs.Bharti Kalro** and **Mr.Murlidhar Kalro** born on **13-07-1970** at Dr.Sita Bhateja's Nursing Home at Bengaluru, subject to payment of fee if any as per the rules.

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