

**IN THE COURT OF THE III ADDITIONAL CHIEF METROPOLITAN
MAGISTRATE, AT BENGALURU**

DATED THIS THE 11th DAY OF OCTOBER 2022

PRESENT : PARASHURAM F. DODDAMANI,
III Addl., Chief Metropolitan Magistrate,
Bengaluru City.

C.Misc.No:6020/2022

Petitioner : Dhanalakshmi
D/o Ayyaswamy,
Aged about 55 years,
R/at No.638, Pantharapalya,
Ambedkar Nagar,
Nayandahalli,
Bangalore – 560 039.

(By S. Kalavathi, Adv.,)

V/s

Respondent: The Commissioner / Tahsildar,
BBMP,
Bangalore North Addl. Taluk,
Bangalore.

(By Smt.Girija.B, Advocate)

ORDER

The petitioner has filed the petition under Section 13(3) of Births and Deaths Act to direct the respondent to register the date of birth of the petitioner by name Dhanalakshmi D/o Ayyaswamy and Lakshmikantha as on 21.01.1967 in the birth register maintained by the respondent in the interest of justice.

2. The brief facts of the case are that ;

It is stated in the petition that the petitioner is the daughter of Ayyaswamy and Lakshmikantha born on 21.01.1967. Due to lack of knowledge of legal procedure, the same has not been informed to the respondent. When the petitioner approached the respondent authority to give the birth certificate, but they have issued the Non-Availability Certificate stating that there is no entry in the records. It is pleaded that the birth certificate is required for documentation purpose. Hence, the petitioner constrained to file the petition.

3. The respondent has appeared and filed the objections to the said petition. It is contended in the objections that the petition is not maintainable and the petition averments are not true. The petitioner has not produced any relevant documents to prove that she has born within the jurisdiction of this court. There is no cause of action to file the present case and the cause of action is created only for the purpose of filing the petition. In view of these grounds the respondent requested to reject the petition.

4. In order to prove the case, the petitioner by name Dhanalakshmi herself examined as PW-1 and got marked as many as 3 documents as Ex.P-1 to Ex.P-3. The respondent did not produce any evidence.

5. Heard the arguments on both side.

6. The points that arise for the consideration of the court is as under;

1. Whether the petitioner is entitle for the relief as prayed for ?
2. What order?

7. Perused the records, the above points are answered is as under;

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

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

REASONS

8. **Point No.1:** In the examination-in-chief affidavit PW-1 Dhanalakshmi has reiterated the contents of the petition. Ex.P-1 is a Non-Availability Certificate issued by the respondent stating that there is no entry of the date of birth of Dhanalakshmi D/o Ayyaswamy and Lakshmikantha. Ex.P-2 is an attested photo copy of the Aadhaar Card of the petitioner. Ex.P-3 is an attested photo copy of the PAN Card of the petitioner. These records corroborate the case of the petitioner. Apart from that the petitioner herself examined as PW-1 and offered cross examination and nothing is elicited in the cross examination to disbelieve her evidence. Though the respondent has filed objections through its counsel, but not examined any of its competent officer and offered for cross examination to accept the defence. Therefore, I have no reasons to reject the claim of the petitioner. Thus, I answer Point No.1 in the **Affirmative**.

9. **Point No.2:** For the reasons stated above, I proceed 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.

The Respondent is hereby directed to register the date of birth of **DHANALAKSHMI D/O AYYASWAMY and LAKSHMIKANTHA** as on 21.01.1967 at No.638, Pantharapalya, Ambedkar Nagar, Nayandahalli, Bengaluru in the Births and Deaths register and issue Birth Certificate to the petitioner after collecting of necessary late fee as per rules.

(Dictated to the stenographer directly on computer, typed by him, corrected, signed and then pronounced by me in the open court on this the 11th day of October 2022).

(Parashurama F. Doddamani)
III A.C.M.M, Bengaluru City.

ANNEXURE

1. **Witnesses examined on the side of the Petitioner:**
PW.1 : Dhanalakshmi.
2. **Documents marked on the side of Petitioner:**
Ex.P-1 :Non-Availability Certificate;
Ex.P-2 :Copy of Aadhaar Card of the petitioner;
Ex.P-3 :Copy of PAN Card of the petitioner.
3. **Witnesses examined on the side of the Respondent:**
-Nil-
4. **Documents marked on the side of Respondent:**
-Nil-

(Parashurama F. Doddamani)
III A.C.M.M, Bengaluru City.