

**IN THE COURT OF XXXVI ADDITIONAL CHIEF
METROPOLITAN MAGISTRTE, BENGALURU**

**Present: Sri.Nitin Yeshwanth Rao,
B.Com., L.L.B., Spl.,
XXXVI ACMM., Bengaluru.**

Dated this the 11th day of August 2023

Cri.Misc.No.5005/2023

Petitioner: Jesintha Prakash
W/o K.T.Prakash,
Aged about 56 years,
R/at:No.614, I Main, 7th Cross,
Near Shravanthi Orchid
Padmanabhnagar, BSK II Stage,
Bengaluru.

(By Sri.SGV Adv.,)

V/S

Respondent: The Commissioner,
Registrar of Birth and Death,
BBMP, Bengaluru.

(Exparte)

ORDER

The petition is filed by the petitioner U/s.13(3) of
the Birth and Death Registration Act, praying to direct

the respondent to make an entry of the date of birth of the petitioner as on 1/6/1967 in the Birth Register maintained by the respondent.

2. The petitioner in her petition has contended as follows:

That she is a permanent resident of No.614, I Main, 7th Cross, Near Shravanthi Orchid Padmanabhnagar, BSK II Stage, Bengaluru. By oversight, inadvertence and bonafide mistake, the date of birth of petitioner by name Jesintha Prakash D/o Inas Dsouza and Rustina Dsouza as on 1/6/1967 was not brought to the notice of the respondent. As such there is no entry in the concerned Birth Register maintained by the respondent. The petitioner knew this fact when she went to take the Birth Certificate. Hence, prayed to allow the petition.

3. After service of notice respondent has not appeared and placed ex-parte.

4. The petitioner examined herself as PW1 and got marked 2 documents at Ex.P1 & Ex.P2 and closed

her side. On the other hand the respondent did not lead any evidence.

5. The points that arised for my consideration of this Court are:

1. Whether the petitioner has made out grounds to register date of birth of petitioner as 1/6/1967 in the register maintained by respondent?
2. What order?

6. My findings on the above points are as follows:

Point No.1: In the Affirmative

Point No.2: As per final order

for the following:

::REASONS::

7. **Point No.1:** The petitioner in order to prove her case examined herself as PW1 and got marked 2 documents at Ex.P1 & Ex.P2. PW1 in her evidence has stated that she has born on 1/6/1967 at Bengaluru. It is pleaded that when she has approached Birth Registrar for the purpose of getting Birth Certificate, but respondent has not registered date of birth in

concerned Register. It is further contended that she has not informed the date of birth of petitioner due to unawareness of the law. Ex.P.1 is the Non-Availability Certificate issued by the respondent wherein it is mentioned that date of birth of petitioner is not recorded in concerned Register. She has also produced notarised copy of PAN Card of petitioner, which is marked at Ex.P2.

8. On perusal of the affidavit and the documents produced by the petitioner, it appears from the records that the petitioner has no malafide intention. Hence, it is just and necessary to direct the respondent to enter the date of birth of petitioner by name Jesintha Prakash D/o Inas Dsouza and Rustina Dsouza as on 1/6/1967 in the Birth Register maintained by the respondent. Hence, this Court answered the above Point No.1 in the Affirmative.

9. Point No.2: In view of the above reasons given on Point No.1, this Court proceeds to pass the following:

ORDER

The petition filed by the petitioner U/s. 13(3) of Birth and Death Registration Act is allowed with no order as to costs.

The respondent is directed to enter the date of birth of petitioner by name Jesintha Prakash D/o Inas Dsouza and Rustina Dsouza as on 1/6/1967 in the Birth Register and to issue the Birth Certificate to the petitioner as per law by taking late fee.

(Dictated to the Stenographer, transcript computerized by her revised, corrected and then pronounced in the open Court on this 11th day of August 2023).

(Nitin Yeshwanth Rao),
XXXVI ACMM.,
Bengaluru.

::ANNEXURE::

1. List of Witnesses examined on behalf of the Petitioner:

PW1 : Jesintha Prakash

2. List of Documents exhibited on behalf of Petitioner:

Ex.P1: Non Availability Certificate

Ex.P2 : Notarised copy of PAN Card

3. List of Witness examined on behalf of Respondent:

-NIL-

4. List of Documents exhibited on behalf of Respondent:

-NIL-

XXXVI ACMM.,
Bengaluru.

