

KAVP030118402022



Presented on : 07.10.2022

Registered on : 07-10-2022

Decided on : 15.11.2022

IN THE COURT OF THE II ADDL.J.M.F.C, VIJAYAPUR

Present

Sri.Sampattakumar Balolagidad

B.A, LL.B, (Spl).,

II Addl.Civil Judge & JMFC Vijayapur

Dated: This the 15th day of November, 2022

Criminal Misc.No.602/2022

Petitioner:

1. Vimala W/o.Muregeppa Mamadapur,
Age:60 Yrs., Occ: HH work,
R/o.Nagaral, Tq: Babaleshwar.

(By Sri.SKT Advocate.)

Vs.

Respondent:

1. The Tahasildar, Vijayapur.

(By the Ld.ADGP)

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ORDER

1. The petitioner has filed the petition U/s. 13(3) of Registration of Births and Deaths Act, for issuance of birth certificate.

2. The brief facts of the petition are:

That the petitioner by name Vimala W/o.Muregeppa Mamadapur, born on 01.01.1962 at Nagaral village, Tq: Babaleshwar, Dist:Vijayapur. The petitioner approached for birth certificate with respondent. The respondent has got issued non-availability certificate stating that no entry is made in concerned register maintained by them. In this regard, the petitioner prayed to direct the respondent to register the date of birth in the concerned register and issue birth certificate.

3. After issuance of notice respondent has appeared through Ld.ADGP and filed objection contending that the contents of the petition that are false and same are denied. Further it is contended that the petitioner has not informed regarding date of birth within stipulated time and submitted the petitioner be put to strict proof of the same.
4. To substantiate the case of the petitioner, petitioner herself examined as PW-1 and got marked Ex.P.1 & 2. The respondent neither examined any witness nor got marked any document.
5. Heard.
6. The following points arose my consideration.

1. Whether the petition filed by the petitioner is liable to be allowed?
 2. What order?
7. My finding to the above points are;
- Point No.1: In the Affirmative.
- Point No.2: As per final order, for the following;

REASONS

8. **Point No.1:-** The the petitioner herself is examined as PW.1 she has re-iterated the petition averments by filing her affidavit in lieu of chief-examination stating that she was born on 01.01.1962 at Nagaral village Tq: Babaleshwar Dist:Vijaypur. The petitioner further contended that, in order to get birth certificate, she approached the respondent but the respondent issued a non-availability certificate stating that no entry in respect of birth of petitioner is made in concerned register maintained by them. The said non-availability certificate is marked as per Ex.P.1 and attested copy of Aadhar card is marked as per Ex.P.2. On careful scrutiny of the oral and documentary evidence available on record, it reveals that the petitioner has filed the application with a bonafide intention. The evidence of PW.1 is not challenged by the respondent by rebuttal evidence. The respondent has neither chosen to adduce the evidence nor produced any

document to rebut the contention of the petitioner. Hence, I have no hesitation to hold that the petitioner is entitled for the relief claimed in the petition. So, I answer point No.1 in the **Affirmative**.

9. **Point No.2:-** In view of my finding on point No.1 in the affirmative, I proceed to the pass the following;

ORDER

The petition filed by the petitioner U/Sec.13(3) of Registration of Births and Deaths Act, is hereby allowed.

The respondent is directed to register the date of birth of petitioner by name Vimala W/o.Muregeppa Mamadapur, born on 01.01.1962 at Nagaral village Dist:Vijayapur. On receipt of requisite late fee and to issue birth certificate.

(Dictated directly on the computer to the stenographer, corrected and signed by me then pronounced by me in the open court on this 15th November, 2022)

(Sampattakumar Balolagidad)
II Addl. JMFC.,Vijayapur

Annexure

List of witnesses examined on behalf of the petitioner.

PW.1 :Vimala W/o.Muregeppa Mamadapur.

List of documents exhibited for the petitioner.

Ex.P.1 : Non availability certificate

Ex.P.2 : Attested copy of Aadhar card.

List of witnesses and documents for the- respondents.

---NIL---

II Addl.JMFC, Vijayapur.