

KA32030192502022



Presented on : 30-09-2022
Registered on: 31-10-2022
Decided on : 04-01-2023
Duration : 3 months, 5 days.

IN THE COURT OF THE V ADDL. CIVIL JUDGE & J.M.F.C.,

KALABURAGI, AT: KALABURAGI

Present

**SRI. DASTAGEERSAB ABDULRAJAK MULLA,
B.Com., LL.B.
C/C V Addl. Civil Judge & JMFC,
Kalaburagi**

Crl.Misc.No.1323/2022

DATED: THIS THE 04th DAY OF JANUARY 2023

PETITIONER:

Mohammed Abdul Muqtader
S/o Mohammed Abdul Bari,
Age about 55 years, Occ: Private Work,
R/o H.No.5-470/15/108/A Ring Road,
Near Peer Bangali Dargah, Noorani
Mohalla, Kalaburagi.

(By Sri. M. Z. Haqqani, Advocate)

// Versus //

**RESPONDENT:-**

The Registrar of Birth & Death,
The City corporation Kalaburagi.

(Grameen Police Station)

(Exparte)

ORDER ON PETITION FILED U/S 13 (3) OF THE
REGISTRATION OF BIRTHS AND DEATHS ACT

The present petition is filed under Section 13(3) of Registration of Births and Deaths Act 1969, with a prayer to issue necessary directions to the respondent to enter the factum of birth of the petitioner by name **Mohammed Abdul Muqtader S/o Mohammed Abdul Bari** as on 16.01.1967.

2. **Facts in brief are as under:**

The petitioner by name **Mohammed Abdul Muqtader S/o Mohammed Abdul Bari** born on 16.01.1967. The petitioner and his family members are residing at R/o H.No.5-470/15/108/A, Ring Road,



Near Peer Bangali Dargah, Noorani, Mohalla, Kalaburagi.

The petitioner's parents are unaware of the procedure of birth registration. Therefore, they could not enter the petitioner's name in the concerned registration office.

The petitioner approached the respondent and sought the birth certificate, but the respondent expressed her inability and issued non-availability certificate. The petitioner requires the birth certificate for legal benefit purpose and future requirements. Therefore, he prayed for allow the petition and sought issuance of direction to the respondent to enter his date of birth in the register maintained in the office and to issue his Birth Certificate by obtaining necessary fees.

3. Notice of the petition is ordered to the respondent.

Despite of due service, the respondent is remained absent. Consequently, the respondent has been placed *exparte*.



4. The petitioner examined himself as PW.1 and got marked 4 documents as Ex.P.1 to 4.
5. Heard arguments.
6. The points that arise for court consideration:
 1. Whether the petitioner has made out grounds to allow the petition?
 2. What order?
7. The findings to the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

8. **POINT No.1:** The petitioner himself examined as PW.1 by way of filing his affidavit in lieu of his examination-in-chief by reiterating the contents of petition averments. It is contended that he is the permanent resident of R/o H.No.5-470/15/108/A Ring Road, Near Peer Bangali



Dargah, Noorani Mohalla, Kalaburagi. The parents of the petitioner due to unaware of procedure of birth registration have not informed the factum of his date of birth to the respondent office. Now he is in need of his birth certificate for legally benefit purpose and future requirements. Hence, he approached the respondent office with a request to issue his birth certificate. But the respondent has issued the endorsement stating that the date of birth is not entered in the register maintained in their office. Therefore, the PW.1 has prayed to issue directions to the respondent to enter his date of birth as 16.01.1967.

9. In order to show his date of birth the petitioner has produced non-availability certificate issued by the respondent office and same is marked at Ex.P.1. The notarized copy of Aadhar card of PW.1 is marked at Ex.P.2, the notarized copy of Driving License is marked at Ex.P.3, the notarized copy of Election ID card is



marked at Ex.P.4. The evidence of PW.1 and the documents produced by him are remained unchallenged. Under these circumstance, I do not find any reasons to disbelieve the evidence of the PW.1. Therefore, by issuing necessary directions to the respondent, petition has to be allowed. Accordingly, I have answered the point No.1 in the **Affirmative**.

10. **POINT No.2**:- In view of finding has been given to the point No.1, I proceed to pass following:

ORDER

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

The respondent is directed to enter the date of Birth of petitioner as MOHAMMED ABDUL MUQTADER S/O MOHAMMED ABDUL BARI who born on 16.01.1967 in the



concerned Register and issue birth

certificate after collecting the fee prescribed

in that behalf.

(Dictated to the stenographer, directly on the computer, typed by her, corrected by me and then pronounced in open court on this the 04th day of January 2023)

(DASTAGEERSAB ABDULRAJAK MULLA)
V Addl. Civil Judge & JMFC.,
Kalaburagi.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONER:

PW.1 : Mohammed Abdul Muqtader S/o Mohammed Abdul Bari,

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT:

-NIL-

LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONER:

Ex.P.1 : Non-availability certificate.
Ex.P.2 : Notarized attested copy of Aadhar Card.
Ex.P.3 : Notarized attested copy of Driving license.



Ex.P.4 : Notarized attested copy of Election ID Card

**LIST OF DOCUMENTS MARKED ON BEHALF OF
RESPONDENT:**

-NIL-

V Addl.J.M.F.C., Kalaburagi

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