

KA32030192372022



Presented on : 29-09-2022
Registered on : 12-10-2022
Decided on : --
Duration :

**IN THE COURT OF III ADDL. CIVIL JUDGE & JMFC, AT
KALABURAGI**

:-Present:-

SRI. SHRINIVASA.K.R., B.A.L.,LL.M.,
III Addl. Civil Judge & JMFC.,
Kalaburagi.

DATED THIS THE 12th DAY OF JANUARY, 2023

Criminal. Misc. No.1214/2022

PETITIONER: Bhante Sanghanand Thero S/o Shankreppa,
Age: 54 years, Occ: Social worker,
R/o: Sidharth Buddh Vihar near
Gulbarga University, Kalaburagi.

(By Sri. A.S.G., Adv.)

1.

// Versus //

RESPONDENT The Registrar Birth and Death,
The City Corporation, Kalaburagi.

(Ex-parte)

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ORDER

The petitioner has filed this petition Under Section 13(3) of the Registration of Birth and Death Act, seeking direction to the respondent to enter his date of birth as **01-06-1968** in the concerned records, and issue birth certificate accordingly.

2. The brief facts of the case are :

It is the case of the petitioner that, petitioner was born on **01-06-1968**, at **Sidharth Buddh Vihar near Gulbarga University, Kalaburagi**. Due to unawareness of petitioner's parents, they could not intimate date of birth to the Registrar of Birth and Death. As the petitioner wanted birth certificate for education, passport and future requirements, petitioner approached the respondent for issuance of the birth certificate. But he was informed that, his date of birth was not registered in the records and in this regard the non-availability certificate was issued by the respondent. It is averred that, his birth certificate is very much needed, Hence, this petition.

3. Though the notice was duly served on the respondent, the respondent remained absent before the Court and hence placed as Ex-parte by the order of this Court.

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4. In order to prove his case, petitioner himself examined as PW-1 and got marked two documents as Ex.P-1 & Ex.P-2.

5. I have heard the counsel for the petitioner.

6. The points arise for the determination of the case are as follows:

1. Whether the petitioner proves that he was born on **01-06-1968** ?

2. Whether the petitioner is entitled for the relief claimed in the petition ?

3. What order?

7. My answer to the above points are as follows:

Point No.1: In the affirmative.

Point No.2: In the affirmative.

Point No.3: As per final order for the following:

REASONS

8. Point No.1:- In order to prove the case of petitioner he himself examined as PW-1. It is the evidence of PW-1 that, petitioner was born on **01-06-1968**, at **Sidharth Buddh Vihar**

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near Gulbarga University, Kalaburagi, and due to unawareness, could not get his date of birth entered in the concerned registers. In support of his evidence, certain documents are produced. Ex.P-1 is non-availability certificate, which shows that, the date of birth of petitioner has not been entered in the birth and death register maintained by the respondent. Ex.P-2 is the attested copy of Aadhaar card of petitioner and which bears the date of birth of the petitioner as **01-06-1968**.

9. The evidence of PW-1 and the documentary evidence have remained unchallenged and uncontroverted. As such, the Court finds no reasons to disbelieve the case of the petitioner. Consequently, I hold that the petitioner has proved that his date of birth is **01-06-1968** and accordingly, I answer point No.1 in the affirmative.

10. **Point No.2:-** As the petitioner has proved that, his date of birth is **01-06-1968** hence, he is entitled for the relief claimed in the petition. Hence, I answer point No.2 in the affirmative.

11. **Point No.3:-** In view of the above reasons, I proceed to pass the following:

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**ORDER**

The petition filed by the petitioner Under Section 13(3) of the Birth and Deaths Act, is allowed.

Consequently the respondent is directed to enter the date of birth of petitioner by name **Bhante Sanghanand Thero S/o Shankreppa**, as on **01-06-1968**, at **Sidharth Buddh Vihar near Gulbarga University, Kalaburagi**, in the concerned register, subject to payment of prescribed late fee if any.

(Dictated to the stenographer directly on the computer, typed by him, corrected by me and then pronounced in the open court on this 12th day of January-2023).

(Shrinivasa. K.R)
III Addl. Civil Judge & J.M.F.C.,
KALABURGI.

ANNEXURE

List of witnesses examined on behalf of Petitioner:

Pw.-1. Bhante Sanghanand Thero S/o Shankreppa,

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List of exhibits marked on behalf of Petitioner:

Ex.P-1. : Non-availability certificate

Ex.P-2. : Attested copy of Aadhaar Card of petitioner

List of witnesses marked on behalf of Respondent

- - N I L - -

List of exhibits marked on behalf of Respondent

- - N I L - -

(Shrinivasa. K.R)
III Addl. Civil Judge & J.M.F.C.,
Kalaburgi.

Dictated on : 12-01-2023
Transcribed on : 12-01-2023
checked on : 12-01-2023
Signed on : 12-01-2023

(Shrinivasa. K.R)
III Addl. Civil Judge & J.M.F.C.,
Kalaburgi.