

**IN THE COURT OF THE XXVIII ADDL.CHIEF
METROPOLITON MAGISTRATE, NRUPATHUNGA
ROAD, BENGALURU CITY**

Dated this the 29th day of October, 2021

**Present:- Sri. MANJUNATHA, B.A, LLB
XXVIII A.C.M.M
Bengaluru City.**

Crl. Misc.No.3515/2021

**PETITIONER :- *Rajkumar. N.P,*
**Father of Minor Child
Shammah Santhrupthi. R**
Aged about 47 years,
S/o K Narayanaswamy,
R/at No.27, 1st cross,
Nagendra Flour Mill road,
Dollars Colony,
RMV Extension 2nd stage,
Bengaluru-560 094.**

V/s.

RESPONDENT :- **The Commissioner
Registrar of Births
and Deaths,
BBMP,
Bengaluru.**

ORDER

The petitioner has filed this petition U/s 13(3) of Registration of Birth & Death Act, 1969 seeking direction to the respondent to enter his daughter's date of birth in the birth register maintained by the respondent.

1. The brief facts of the petitioner's case.

The petitioner Rajkumar N.P S/o K. Narayanaswamy claims that, his daughter Shammah Santhrupthi. R was born on 05.02.2015 at No.27, 1st cross, Nagendra Flour Mill Road, Dollars Colony, RMV Extension 2nd stage, Bengaluru-560 094. Due to lack of knowledge and information, legal obligation, the petitioner could not comply the event of his daughter's date of birth to the respondent.

2. Now the petitioner is required his daughter's birth certificate for documentation purpose and other purpose. The petitioner submitted the representation

to the respondent to issue his daughter's birth certificate. For the said representation the respondent has issued non-availability certificate. Hence, the petitioner has filed this petition with prayer to issue direction to the respondent to enter his daughter's date of birth in the register maintained by the respondent.

3. In pursuance of the filing of petition, the notice came to be issued to the respondent. In spite of service of notice the respondent failed to appear. Hence, he has placed ex-parte.

4. In order to prove his case the petitioner got himself examined as PW1 and got marked 5 documents as Ex.P1 to 5. The respondent neither adduced evidence nor got marked any documents.

5. Heard arguments and perused the records.

6. The point that arises for my consideration are as under:-

1. *Whether the petitioner proves that, his daughter Shammah Santhrupthi. R 's date of birth 05.02.2015 has not entered in the concerned register maintained by the office of respondent?*
 2. *Whether the petitioner is entitle for the relief sought for?*
 3. *What order?*
7. My findings on the above points are as under:-

Point No.1 & 2 :- *In the Affirmative*

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

REASONS

8. **Point No.1 and 2**:- Since these points are interrelated with each other to avoid repetition of facts the points taken together for discussion. The petitioner Rajkumar N.P S/o K. Narayanaswamy claims that, his daughter Shammah Santhrupthi. R was born on 05.02.2015 at No.27, 1st cross, Nagendra Flour Mill Road, Dollars Colony, RMV Extension 2nd stage, Bengaluru-560 094. Due to lack of knowledge and

information, legal obligation, the petitioner could not comply the event of his daughter's date of birth to the respondent. Now the petitioner is required his daughter's birth certificate for documentation purpose and other purpose. When he approached the respondent office seeking his daughter's birth certificate, the respondent has issued an endorsement about non-availability certificate.

9. In order to prove the case of the petitioner, the petitioner himself examined as PW1. In his chief examination he has reiterated all the facts narrated in the petition. Apart from this, the petitioner in order to substantiate his claim got marked the documents Ex.P1 to P5. Ex.P1 is the Non availability certificate, Ex.P2 is the study certificate of his daughter, Ex.P3 to 5 are the Aadhaar cards of petitioner, his wife and daughter. On perusal of the Ex.P2 to 5 shows that Smt. Sunitha T.R & Sri. Rajkumar N.P are the wife

and husband and Shammah Santhrupthi. R was their daughter and Shammah Santhrupthi. R was born on 05.02.2015 as stated in the petition.

10. As noted supra, even after service of the notice the respondent fails to appear. Therefore, he has placed exparte. The oral and documentary evidence placed on record by the petitioner remains unchallenged. There is nothing on record to disbelieve the case of the petitioner. The oral and documentary evidence placed on record herein establishes that, the birth date of the petitioner daughter Shammah Santhrupthi. R was not entered by the respondent in the concerned register. Therefore, in the considered opinion of this Court the petitioner is entitle for an order as prayed in the petition. Accordingly, I answer point No.1 and 2 are in the affirmative.

11. **Point No.3**:- In view of my finding on point No. 1 and 2, I proceed to pass the following:-

ORDER

The petition filed by the petitioner U/s. 13(3) of Karnataka Registration of Birth and Death Act, 1969 is here by allowed.

The Respondent is directed to register birth of the ***Shammah Santhrupthi. R D/o Sri. Rajkumar N.P and Smt. Sunitha. T . R was born on 05.02.2015 at No.27, 1st cross, Nagendra Flour Mill Road, Dollars Colony, RMV Extension 2nd stage, Bengaluru-560 094***, after collecting necessary late fee.

No order as to cost.

(Dictated to Stenographer directly on computer and typed by her, taken print out, corrected and then pronounced by me in the open court on this the 29th day of October, 2021)

(MANJUNATHA)
XXVIII Addl. Chief Metropolitan
Magistrate, Bengaluru.

ANNEXURE**LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONER:-**

PW1 : Sri. Rajkumar.N.P

LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONER:-

Ex.P1 : Non-availability Certificate
Ex.P2 : Study Certificate
Ex.P3 : Aadhaar card petitioner daughter
Ex.P4 : Aadhaar card of petitioner
Ex.P5 : Aadhaar card of petitioner wife

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT:-

-Nil-

LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT:-

-Nil-

XXVIII A.C.M.M., Belgaluru.

29.10.2021

Orders

Orders pronounced in the open court vide separate order.

ORDER

The petition filed by the petitioner U/s. 13(3) of Karnataka Registration of Birth and Death Act, 1969 is here by allowed.

The Respondent is directed to register birth of the ***Shammah***

Santhrupthi. R D/o Sri. Rajkumar N.P and Smt. Sunitha. T . R was born on 05.02.2015 at No.27, 1st cross, Nagendra Flour Mill Road, Dollars Colony, RMV Extension 2nd stage, Bengaluru-560 094, after collecting necessary late fee.

No order as to cost.

XXVIII ACMM, Belgaluru.