

**IN THE COURT OF THE 4th ADDL. CIVIL JUDGE AND
JMFC, AT DAVANAGERE.**

Present: Smt.Nazia Kouser,
B.E., L.L.B.,
4th Addl. Civil Judge and JMFC
Davanagere.

Dated this the 31st day of March - 2023

Crl.Mis.No.210/2023

Petitioner : Ataulla S/o Nabhi Sab,
Aged about 48 years, Business,
R/o Door No.536, S.S.M. Nagara,
'B' Block, Davanagere – 577 001.

(By Sri. K.A.H., Advocate)

V/s

Respondent : The Registrar, Births and Deaths,
Davanagere Municipal Corporation,
Davanagere.

(Ex-parte)

**ORDERS ON PETITION FILED UNDER SECTION 13(3) OF
THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969.**

Petitioner has filed the instant petition seeking directions to the respondent to enter the date of birth of the daughter of the petitioner and issue birth certificate.

2. Brief facts of the case of the petitioner is that, the name of the daughter of the petitioner is Fida Fathima and she has stated to have born on 10-04-2000 at the address mentioned in the cause title of the petition. By inadvertence the fact of her birth was not informed to the concerned authority. In order to get birth certificate, the petitioner had submitted an application to the respondent on 07.03.2023. For which, the respondent issued a “Non-availability Certificate” on 10-03-2023. Now, the birth certificate is required for the purpose of Passport. Therefore, the petitioner has prayed for directions to the respondent for issuance of birth certificate of their daughter.

3. Despite service of notice, the respondent has not chosen to appear in the matter and contest the claim of the petitioner. Hence, the respondent is placed Ex-parte in this case.

4. Petitioner has examined himself as PW.1 and got marked documents as Ex.P1 to P5.

5. I have heard and perused the material on record.

6. Points that arise for consideration are:

1. Whether the petitioner is entitled for the relief claimed?
 2. What order?
7. Findings on the above points are:

Point No.1: In the Affirmative,
Point No.2: As per the final order
for the following:-

∴ REASONS ∴

8. **Point No.1:** In order to prove the case of the petitioner, he has examined himself as PW.1 and got exhibited non-availability certificate, notarized copies of Transfer certificate and Aadhaar cards as per Ex.P1 to 5 respectively. On the other hand, as already stated above, the respondent has not chosen to contest the claim of the petitioner. Accordingly, the evidence of the petitioner is remained unchallenged. In the circumstances, point No.1 is answered in the **AFFIRMATIVE**.

9. **Point No.2:** In view of the above findings, I proceed to pass the following:-

∴ ORDER ∴

Petition filed by the petitioner under section 13(3) of Birth and Death Act is hereby allowed:

Respondent is hereby directed to register the event of the date of birth of the daughter of the petitioner i.e., Fida Fathima D/o Ataulla and Azeem Unnisa as on 10-04-2000 born at S.S.M. Nagara, Davanagere and issue birth certificate after collecting necessary charges.

No order as to costs.

(Dictated to the Stenographer directly on computer, after her transcription, corrected, signed and then pronounced by me in open Court this the 31st day of March – 2023)

Sd/-

(NAZIA KOUSER)
4th Addl. Civil Judge & JMFC
DAVANGERE.

ANNEXURE

Witnesses examined for the petitioner:

PW1 : Ataulla.

Witnesses examined for the Respondent: -: Nil :-

Documents exhibited by the Petitioner:

Ex.P1 : Non availability certificate.

Ex.P2 : Notarized copy of Transfer certificate.

Ex.P3 to 5 : Notarized copies of Aadhar cards.

Documents exhibited by the Respondent: -: Nil :-

Sd/-

(NAZIA KOUSER)
4th Addl. Civil Judge & JMFC
DAVANGERE.