



IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C., AT
TURUVEKERE.

Present: *Smt. M.D.Pavithra B.A., LL.B.,*
Senior Civil Judge and JMFC
Turuvekere.

Crl.Misc. No.80/2023

Dated: this 3rd day of October - 2023

Petitioner : Pushpa N. W/o Bharath C.
Aged about 27 years,
Resident of Melinavalagerahalli,
Mavinakere Post, Dabbeghatta Hobli,
Turuvekere Taluk, Tumkuru District.

Present Address:-

No.231, 4th Cross, Vijayalakshmi Layout,
Bagalakote, Nagasandra,
Bengaluru, Karnakata-560073.

(By Sri.M.D.N., Advocate)

V/s

Respondent: The Registrar of Births and Deaths
Reptd., by Tahasildar
Turuvekere Taluk, Turuvekere.

(Ex-parte)

**ORDERS ON PETITION FILED U/SEC.13(3) OF THE REGISTRATION
OF BIRTHS AND DEATHS ACT-1969**

The Petitioner has filed the instant petition seeking directions to the respondent to enter his date of birth and for issuance of birth certificate.



2. *The Petition averments in brief:-*

The Petitioner was born on 26.07.2017 at Melinavalagerahalli, Mavinakere Post, Dabbeghatta Hobli, Turuvekere Taluk, Tumkuru District. Immediately, the same was informed to the respondent orally by the parents of the petitioner, but the same was not entered in the register. In order to get the birth certificate, the petitioner submitted an application to the respondent, but the said authority issued non-availability certificate on 31.07.2023. Now, birth certificate is required for the educational purpose of the petitioner. Hence, this petition.

3. In spite of service of notice, the respondent remained absent and placed ex-parte.

4. In order to substantiate the claim, the petitioner examined as PW-1 and got marked Ex.P1 to P3. In view of ex-parte of respondent, cross-examination of PW-1 and the respondent evidence is taken as nil.

5. Heard arguments.

6. Having perused the materials on record, following points that arises for my consideration;



POINTS

1. Whether the petitioner is entitled to the relief as claimed?

2: What order?

7. My findings on the above points as follows:

Point No.1 : In the *Affirmative*

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

: : R E A S O N S : :

8. **Point No.1:-** The Petitioner was born on 26.07.2017 at Melinavalagerahalli, Mavinakere Post, Dabbeghatta Hobli, Turuvekere Taluk, Tumkuru District and the same was informed to the concerned authority within time, but not entered in the register. Now, birth certificate of the petitioner is required for his educational purpose. Upon application to the respondent, non-availability certificate is issued.

9. In order to prove the case, the petitioner got examined as PW-1 and got marked Ex.P1 to P3. Ex.P1 is non-availability certificate issued by the respondent, Ex.P2 is Admission Register Extract, Ex.P3 is



Notarized copy of Aadhaar Card of the petitioner. The Respondent was placed ex-parte. The oral evidence of PW-1 is justified by the documentary evidence on record and remains unchallenged. Ex.P2 and P3 are sufficiently proves the date of birth of the petitioner is 26.07.2017. Ex.P1 proves the non-availability of entry of his date of birth in the concerned records. When claim of the petitioner is remains unchallenged, then there is no other option except to accept the claim of the petitioner. The presumption can be drawn regarding facts stated on oath. The reasons assigned by the petitioner is bonafide one. By considering the purpose for which he required birth certificate, it is proper to direct the respondent accordingly. Therefore, the petitioner is entitled to the relief as claimed. Hence, I **answer point No.1 in the AFFIRMATIVE.**

10. Point No.2: In view of the findings given to point No.1, I pass the following;

-:: O R D E R ::-

*Petition filed by the petitioner under
Section 13(3) of Registration of Births and
Deaths Act is hereby ALLOWED.*



In the result, the respondent is hereby directed to register the event of date of birth of the petitioner i.e., Mohan B. S/o Bharath C. and Pushpa N., who born on 26.07.2017 at Melinavalagerahalli, Mavinakere Post, Dabbeghatta Hobli, Turuvekere Taluk, Tumkuru District. and issue Birth Certificate accordingly after collecting necessary charges.

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced in the open court, this 3rd day of October – 2023)

Sd/-.,
(Smt.M.D.Pavithra).,
Senior Civil Judge and JMFC
Turuvekere

ANNEXURE

WITNESSES EXAMINED FOR THE PETITIONER:

PW-1 : Pushpa N. 20.09.2023

WITNESSES EXAMINED FOR THE RESPONDENT:

-NIL-

DOCUMENTS EXHIBITED FOR THE PETITIONER:

Ex.P1 : Non Availability Certificate



Ex.P2 : Admission Register Extract
Ex.P3 : Notarized copy of Aadhaar card

DOCUMENTS EXHIBITED FOR THE RESPONDENT:

-NIL-

Sd/-.
Senior Civil Judge and JMFC
Turuvekere