



IN THE COURT OF THE IV J.M.F.C., MYSURU

PRESENT

Smt.VIJAYALAKSHMI H.K., B.Com., LL.B.,
IV JMFC., MYSURU

Dated this the 24th day of August 2023

Cri.Mis.No.569/2023

PETITIONER/S ::

Smt.Sumithra D/o.Late Papaiah,
Aged about 47 years, R/o.No.4341,
10th Cross, Gandhinagar, Mysuru.

[By : Smt.Jamuna.A, Advocate]

V/s

RESPONDENT/S ::

The Registrar of the Birth & Deaths,
Mysuru City Corporation,
Mysuru.

[Exparte]

**ORDER ON PETITION FILED U/S.13(3) OF THE
REGISTRATION OF BIRTHS & DEATHS ACT OF 1969**

This is a petition filed U/s.13(3) of the Registration of the Births and Deaths Act, 1969. It is stated in the petition that, the petitioner by name **Sumithra D/o.Papaiah and Thayamma**, was born on 01/01/1975 at Cheluvamba Hospital, Mysuru, and the information of birth was not intimated to the respondent by oversight.

2. The respondent has issued an endorsement as per Ex.P.1 stating that, there is no entry regarding the date of birth in the concerned register. Accordingly, present petition is filed for proper direction to the respondent to make an entry regarding the birth.

3. In spite of service of notice, the respondent did not appear before the Court. As such, the respondent is placed *ex parte*.

4. In order to prove his case, the petitioner got examined herself as PW.1 and got marked documents at Ex.P.1 to Ex.P.3. The respondent neither adduced evidence nor got marked any documents.

5. Heard the learned Counsel for the petitioner.

6. The points that would arise for consideration are:-

1. Whether the petitioner is entitled for the relief as prayed in 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 has filed affidavit in *lieu* of her examination-in-chief as PW.1, wherein she has reiterated the averments of the petition. The petitioner in support of her contention, has relied upon Ex.P.1 to Ex.P.3. Ex.P.1 is the Endorsement issued by the Registrar of Births and Deaths, Mysuru City Corporation, Mysuru, Ex.P.2 is the Notarized copy of Aadhar Card of PW.1 and Ex.P.3 is the Notarized copy of Pan Card of PW.1, wherein in Ex.P.2 and Ex.P.3, it would be seen that, the date of birth of the petitioner has been entered as 01/01/1975. The evidence of petitioner and the contents of petition remain unchallenged by the respondent. Hence, there is no controversy raised about the date of birth, which is entered in Ex.P.2 and Ex.P.3. Hence, it is necessary to issue direction to the respondent to make an entry regarding the date of birth, as prayed in the petition. Hence, Point No.1 is answered in the **Affirmative**.

9. **POINT NO.2:-** In view of finding on Point No.1, this Court proceed to pass the following:-

: O R D E R :

*The petition filed by the petitioner
U/s.13(3) of the Registration of the*

Births and Deaths Act, 1969, is hereby allowed.

*The respondent is hereby directed to cause entry regarding the date of birth of **Sumithra D/o.Papaiah and Thayamma**, who born on **01/01/1975**, at Chaluvamba Hospital, Mysuru, in the concerned register after collecting necessary fees, as required under law.*

*(Dictated to the Stenographer directly on Computer, typed by him, revised, corrected by me and then pronounced in the open Court on this the **24th day of August, 2023**)*

[VIJAYALAKSHMI H.K.]
IV J.M.F.C., MYSURU

A N N E X U R E

WITNESSES EXAMINED FOR THE PETITIONER:-

PW.1 Smt.Sumithra

DOCUMENTS MARKED FOR THE PETITIONER:-

Ex.P.1 Non-availability Certificate
Ex.P.2 Notarized copy of Aadhar Card
Ex.P.3 Notarized copy of Pan Card

LIST OF WITNESSES EXAMINED FOR RESPONDENT:-

--- N I L ---

LIST OF DOCUMENTS MARKED FOR RESPONDENT:-

--- N I L ---

[VIJAYALAKSHMI H.K.]
IV J.M.F.C., MYSURU