

KABC030119652023



Presented on : 20-03-2023
Registered on : 20-03-2023
Decided on : 09-10-2023
Duration : 0 years, 6 months, 20 days

IN THE COURT OF THE 1st ADDL.CMM: BENGALURU

Dated this the 09th day of October 2023

**Present: Shri Anand S Kariyammanavar, B.A.,
LL.B(Hon's).
I Addl. C.M.M BENGALURU.**

C.Misc.No.1657/2023

Petitioner : SAI PAVITHRA R,
Aged about 30 years,
D/o U S Ramanath,
R/at No.96, 3rd Main Road,
Abbigere Main Road,
Vinayaka Layout,
Chikkabanavara,
Bangalore-560090.

(Rep. by Smt.Umadevi, Advo.)

Respondent : The Registrar of Births and Death,
Office of the Commissioner,
BBMP, Bengaluru.

ORDER

The petitioner has filed petition under Section 13(3) of Registration of Births and Deaths Act, 1969, seeking direction to the respondent to enter her date of birth in the register maintained by the respondent.

2. The brief facts of the petitioner's case is as follows:

The Petitioner by name SAI PAVITHRA R is born on 09.01.1993 at No.96, 3rd Main Road, Abbigere Main Road, Vinayaka Layout, Chikkabanavara, Bangalore-560090. After birth of petitioner, her parents did not comply the event of her birth to respondent as they had no knowledge and legal procedure to register the date of birth of petitioner at the office of the respondent. On approaching respondent, respondent issued Non-availability certificate. Now petitioner requires her birth certificate for

documentation. Hence present petition and it is prayed to allow the same.

3. The respondent remained absent, despite service of notice and he is placed ex-parte.

4. The petitioner got examined herself as P.W.1 and got marked Exs.P1 to P3 documents.

5. Heard arguments.

6. The following points arise for consideration.

1. Whether the petitioner is entitled for the relief claimed ?

2. What Order ?

7. Following are findings on the above points:

Point No.1: In the **Affirmative**.

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

REASONS

8. **Point No.1:-** It is averred that petitioner by name SAI PAVITHRA R was born on 09.01.1993 at No.96, 3rd Main Road, Abbigere Main Road, Vinayaka Layout,

Chikkabanavara, Bangalore-560090 and said entry of birth is not effected in birth register of respondent. In this regard the petitioner has entered into witness box as P.W.1 and reiterated the averments of petition. She has produced Non-availability certificate issued by the respondent as per Ex.P1. P.W.1 has also produced copies of her SSLC Marks Card and Aadhaar card as per Exs.P2 and P3. Above documents indicate the event of birth of petitioner and non-registration of said event in the birth register maintained by respondent. The evidence of P.W.1 is not challenged by respondent side. Hence, there is no reason to discard and disbelieve the same. So, there is no hurdle to direct the respondent to register the event relating to the birth of petitioner in the register maintained by the respondent. Hence, I answer point No.1 in the **Affirmative**.

9. **Point No.2:-** For the reasons stated and findings given on point No.1, following is:

ORDER

Petition filed by the petitioner under Section 13(3) of Registration of Births and Deaths Act, 1969 is allowed.

The respondent is hereby directed to register the event relating to the birth of petitioner SAI PAVITHRA R, D/O U S RAMANATH AND H S VEDAVATHI to the effect that she is born on 09.01.1993 at No.96, 3rd Main Road, Abbigere Main Road, Vinayaka Layout, Chikkabanavara, Bangalore-560090 in the birth register maintained by his office.

No costs.

(Dictated to the stenographer, typed by her directly on computer, revised, corrected by me and then pronounced in the open court on this the 09th day of October, 2023).

(Anand S Kariyammanavar)
1st Addl. CMM., Bengaluru.

ANNEXURE**List of witnesses examined on behalf of the petitioner:-**

P.W.1, Sai Pavithra R

List of documents marked on behalf of the petitioner:-

Ex.P1, Non-availability certificate,
Ex.P2, SSLC Marks Card of P.W.1,
Ex.P3, Notarised copy of Aadhaar card of P.W.1;

List of witnesses examined on behalf of the respondent:-

NIL.

List of documents marked on behalf of the respondent:-

NIL.

(Anand S Kariyammanavar)
1st Addl. CMM., Bengaluru.