

**IN THE COURT OF THE XV ACMM, BENGALURU**

**PRESENT: Smt. Namrata Rao. K.S**  
B.A.L, L.L.B., M.B.L.,  
XV ACMM,.  
BENGALURU.

**Dated: This the 13<sup>th</sup> day of October, 2023**

**C.Misc.No.5029/2023**

**PETITIONER:** Smt. Savitha. K .  
W/o Shankar . R ,  
Aged about 34 years,  
R/at. No.94/8. 7th Main Road,  
9th Main, Begur Main Road,  
Hongasandra,  
Bengaluru- 560 068.

**(By Sri. G.V Shankar., Advocate)**

V/s

**RESPONDENT:** The Commissioner,  
Registrar of Births & Death  
BBMP, Bengaluru.

**(By Smt. Girija. B., Advocate)**

**ORDERS**

This petition is filed by the petitioner U/Sec.13 (3) of Birth and Death Registration Act, seeking Birth Certificate of daughter of petitioner by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K.

2. The case of the petitioner in brief is that, the petitioner's daughter by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K, who was born on 01.11.2013 at petitioner's house at No.94/8, 7th Main Road, 9th Main, Begur Main Road, Hongasandara, Bengaluru- 560 068. The factum of the birth of daughter of petitioner was not intimated to the Registrar of Birth and Death within the prescribed time and therefore the petitioner's daughter by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K was not registered in the records. The petitioner moved an

application to the respondent to issue Birth Certificate of her daughter. But the respondent has issued an endorsement dated:14.07.2023 stating that the entry is not forthcoming in the register maintained in the office of respondent. Hence, the Birth Certificate of the daughter of the petitioner is necessary to be produced before the concerned authority. Hence, this petition.

3. On issuance of notice, the respondent appeared through his counsel and filed objections denying the averments made in the petition stating that the birth of the petitioner is not within the limits of BBMP and false petition has been filed by creating the documents. Hence prayed to dismiss the petition.

4. On perusal of the materials on record, the following points arise for my consideration :

1. Whether the petitioner has made out sufficient grounds to show that the Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K was born on 01.11.2013?

2. What order?

5. To substantiate her claim the petitioner has examined herself as PW.1. Documents marked at Ex.P1 to Ex.P4 are the marked through the PW.1.

6. My answers to the above points are as follows:

Point No.1 : In the Affirmative

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

### **REASONS**

7. **POINT No.1:** - The petitioner's daughter by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K was

born on 01.11.2013. The factum of birth of the daughter of the petitioner was not intimated to the registering authority by the petitioner's parents. It is exfacie clear that, it is only now this petition is filed.

8. Section 13(3) of the Registration of Birth and Death Act empowers a magistrate to pass an order directing the authority to register the birth after due enquiry. A duty is cast upon the magistrate to pass the order after making due enquiry of the birth or death as case may be.

9. On an application by the petitioner, The Commissioner of BBMP, Registrar of Births and Deaths, Bengaluru, the proper authority issued an endorsement that the birth of daughter of petitioner by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K is not registered in the relevant

registers. Ex.P1 is the non-availability certificate, Ex.P2 & 3 are the copies of Aadhaar cards, Ex.P4 is the study certificate. The petitioner has deposed on oath. During the course of cross examination nothing much has been elicited from the mouth of the witness. So as to disbelieve her testimony. Hence, I found no reason to disbelieve the case of the petitioner. On the careful perusal of the materials on record and the provision of law, I am inclined to allow the petition and hold that the petitioner's daughter by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K was born on 01.11.2013. Accordingly, I answer point No.1 in the Affirmative.

10. **Point No.2**:- As per discussion made above, I proceed to pass the following;

**ORDER**

The petition is allowed.

The Commissioner of BBMP, Registrar of Births and Deaths, Bengaluru is hereby directed to register the date of birth of petitioner's daughter by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K was born on 01.11.2013 in the relevant registers and make an endorsement that the entry is made after this order.

(Directly dictated to the Stenographer over computer, typed by her, corrected by me and then pronounced in the open court, on this, the 13th day of October, 2023)

**(Namrata Rao K.S)**  
XV ACMM, Bengaluru.

**ANNEXURE**

**Witnesses examined for prosecution:**

Pw.1 : Smt. Poorvika. S

**Exhibits marked for prosecution:**

- Ex.P1 : Non-availability Certificate  
Ex.P2 : Copy of Aadhar card of PW.1  
Ex.P3 : Copy of Aadhar card of husband of  
PW.1  
Ex.P4 : Copy of study certificate

**Witness examined for defence: NIL****Exhibits marked for defence: NIL**

(Namrata Rao K.S)  
XVth ACMM, Bengaluru

13.10.2023

*(Orders pronounced in the open court)*

**ORDER**

The petition is allowed.

The Commissioner of BBMP, Registrar of Births and Deaths, Bengaluru is hereby directed to register the date of birth of petitioner's daughter by name Poorvika. S D/o Sri. Shankara. R and Smt. Savitha. K was born on 01.11.2013 in the relevant registers and make an endorsement that the entry is made after this order.

*(vide separate Order)*

XVth ACMM, Bengaluru