

**IN THE COURT OF XIII ADDL. CHIEF METROPOLITAN  
MAGISTRATE, BENGALURU.**

**:: PRESENT ::**

**SRI VENKANNA BASAPPA HOSAMANI,  
B.Com. LL.B.,(Spl.)**

**XIII ACMM, BENGALURU.**

**DATED THIS 30<sup>th</sup> DAY OF SEPTEMBER 2023**

**CRI.MISC. NO.5080/2023**

**PETITIONER/S:**

**Smt. Maina Devi Sirvi,**  
W/o. Annaram,  
R/at No.85, 1<sup>st</sup> Main,  
5<sup>th</sup> Cross, N.B. road,  
Kalyan Nagar, Nagarabhavi,  
Bengaluru North,  
Bengaluru – 560 072.

(Pleader by Smt. **Pankaja.B.C.**, Advocate)

**V/s**

**RESPONDENT/S:**

The Commissioner of BBMP,  
Registrar of Births & Deaths,  
**Bengaluru.**

(Pleader by: Smt. **Girija.B.**, Advocate)

\*\*\*\*\*

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

That the petitioner has filed this petition under section 13(3) of Karnataka Registration of Births & Deaths

Act 1969 seeking order directing the respondent to register the name of petitioner as Maina Devi Sirvi D/o. Jasaram Ji Pawar and mother of Smt. Honi Devi was born on 18.08.1976 at No.85, 1<sup>st</sup> Main, 5<sup>th</sup> Cross, N.B. Road, Kalyan Nagar, Nagarabhavi, Bengaluru North, Bengaluru - 560 072 and she has contended that, due to ignorance of law and procedure, her parents have not entered her name and birth date in the concerned register. She further contended that, now she is required the Birth Certificate for bonafide use and she was approached the respondent for obtaining her Birth Certificate and they have given the Non-Availability Certificate on 02.08.2023. Hence, the cause of action arose and she was requested to allow her petition.

2. After service of notice, the respondent appeared and filed objections contending that, the averments of the petition are not within the knowledge of the respondent, the petitioner has not produced any relevant documents to prove her case, the petitioner has not born within the jurisdiction of this court and pray for dismissal of the application.

3. The petitioner herself examined as PW.1 and filed her affidavit evidence and got marked documents at Ex.P.1 to 4, Ex.P.1 is the Non-Availability Certificate it discloses that, the respondent is having Birth Records of petitioner, as she was born on 18-08-1976. Ex.P.2 is the notarized

copy of Aadhar Card of petitioner, Ex.P.3 is the notarized copy of Election Identity Card of petitioner and Ex.P.4 is the notarized copy of Bank of Baroda Passbook main page. On perusal of the same, it contents the name of the petitioner as Maina Devi Sirvi D/o. Jasaram Ji Pawar and mother of Smt. Honi Devi was born on 18.08.1976. In further chief examination of PW.1, she deposed that, she is residing at Bengaluru since from 20 years. If really, she born at Bengaluru city and residing at Bengaluru City since then, she ought to have deposed that, she is residing at Bengaluru city by birth. This court is observed that, she is unable to speak Kannada language properly, while adducing her evidence. This creates the doubts in the mind of this court is that, the petition has filed false case only on the basis of Ex.P.1 to 4. Admittedly, the date of birth given by the petitioner while preparing Ex.P.2 to 4. For what purpose the school records of the the petitioner has not produced before this court is not explained by the petitioner.

4. On perusal of the petition, affidavit filed by the petitioner and vakalath filed by the petitioner counsel it discloses that, the petitioner has signed in Hindi language, this fact is also creates the doubt in the mind of this court is that, petitioner is not residing at Bengaluru by birth and she was born at Bengaluru. On the basis of the oral as well as documentary evidence, this court feels that, the evidence of the petitioner is not inspire the confidence of

this court to believe her evidence. Accordingly, I proceed to pass the following:

**ORDER**

Petition filed under Section 13(3) of Registration of Births and Deaths Act, 1969 is hereby dismissed.

(Directly dictated to the Stenographer on computer, typed by him, corrected and then signed and pronounced by me in the open court on this the 30<sup>th</sup> day of September - 2023)

**(VENKANNA BASAPPA HOSAMANI)**  
XIII ACMM, Bengaluru.

**ANNEXURE**

**List of the witnesses examined on behalf of Petitioner:**

PW.1 : Smt. Maina Devi Sirvi

**List of the exhibits marked on behalf of Petitioner:**

Ex.P1 : Non-Availability Certificate

Ex.P2 : Notarized copy of Aadhar Card of the petitioner

Ex.P3 : Notarized copy of Election Identity Card of the petitioner

Ex.P4 : Notarized copy of Bank of Baroda Pass book of main page of the petitioner

**List of the witnesses examined on behalf of respondent:**

- NIL -

**List of the exhibits marked on behalf of respondent:**

- NIL -

XIII ACMM, Bengaluru.