

**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 30th DAY OF SEPTEMBER 2023

CRI.MISC. NO.5081/2023

PETITIONER/S:

Ali Khan
S/o. Nawaz Khan,
Minor in age,
Rep. by mother name

Smt. Anjum Khanum,
W/o. Nawaz Khan,
Aged about 37 years,
R/at No.11, Ullal Main Road,
Chikkabasti, Ullal,
Bengaluru – 560 056.

(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's son as Ali Khan S/o. Nawaz Khan and mother of Smt. Anjum Khanum was born on 14.05.2008 at No.11, Ullal Main Road, Chikkabasti, Ullal, Bengaluru – 560 056 and she has contended that due to ignorance of law and procedure, petitioner has not entered her son 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 son 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's son 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 not having Birth Records of

petitioner's son, as he was born on 14-05-2008. Ex.P.2 is the notarized copy of Aadhar Card of petitioner, Ex.P.3 is the notarized copy of Aadhar Card of petitioner's husband, and Ex.P.4 is the notarized copy of School Study Certificate of petitioner's son, it discloses that, the Date of birth of petitioner's son is 14.05.2008. On perusal of the same, it contents the name of the petitioner's son as Ali Khan S/o. Nawaz Khan and mother of Smt. Anjum Khanum was born on 14.05.2008. On the basis of Ex.P.4 it can be held that, this Ex.P.4 discloses that the petitioner's daughter was born on 14.05.2008.

4. The evidence of PW.1 and Ex.P.1 to 4 are not rebutted by the respondent. The evidence of PW.1 and Ex.P.1 to 4 are holds good. Hence, the evidence of PW.1 remained unchallenged. Hence, I am of the opinion that, the petitioner is entitle for the direction to the respondent authority in order to obtain her son Birth Certificate. Hence, I proceed to pass the following:

ORDER

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

The respondent is hereby directed to register the date of birth of petitioner's son by name **ALI KHAN S/O. Sri. NAWAZ KHAN and Smt. ANJUM KHANUM** as born on **14.05.2008** at **No.11, Ullal Main Road, Chikkabasti, Ullal, Bengaluru – 560 056** in the concerned register of births.

The respondent is directed to issue Birth Certificate to the petitioner by collecting necessary fees.

(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 30th day of September - 2023)

(VENKANNA BASAPPA HOSAMANI)
XIII ACMM, Bengaluru.

ANNEXURE

List of the witnesses examined on behalf of Petitioner:

PW.1 : Smt. Anjum Khanum

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 Aadhar Card of the petitioner's husband

Ex.P4 : Notarized copy of School Study Certificate of the petitioner's son

List of the witnesses examined on behalf of respondent:

- NIL -

List of the exhibits marked on behalf of respondent:

- NIL -

XIII ACMM, Bengaluru.