

COURT OF JUDICIAL MAGISTRATE IST CLASS PATTAN

Case File No.	Date of Institution	Date of Order	CNR No.
422/Cr. Misc.	21-07-2023	28-07-2023	JKBA110006002023

In the Case of:-

Aashiq Ahmad Wani
S/o Mohammad Sultan Wani
R/o Yadipora Pattan
Applicant along with his counsel Adv Irshad Ahmad Dar present.

V/S

Registrar Births and Deaths BDO Pattan)
Nemo present on behalf of the Non-Applicant

In the matter of:- Application on behalf of applicant seeking direction upon Non-applicant for recording the dates of birth of his issues namely Nazima Aashiq and Shafiya Aashiq in the concerned registrar.

CORAM:- Altaf Hussain Khan

U.I.D No. JK00187

ORDER

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1. Application in hand with the prayer that non-applicant Registrar of Births and Deaths (B.D.O Pattan) be directed to register the date of births of the issues of applicant has been submitted by the applicant on the ground that the date of births of his issues namely Nazima Aashiq is 18-04-2012, 2. Shafiya Aashiq is 18-09-2013, due to unavoidable circumstances he could not apply for registering date of births of his issues before the concerned authority on due date. When he applied for registration of date of births of his issues, he came to know that the date of births of his issues have not been recorded in relevant register.
 2. On the presentation of the application this court has served notice upon the non-applicant/ Registrar of births and deaths Pattan. In pursuance service supra non-applicant has submitted report-cum- non-availability certificate. In the report filed Registrar births and deaths (BDO, Pattan) has submitted that as per circular No.14-DES of 2023 dated 01.06.2023 any birth or death which has not been registered within one year of its occurrence, shall be registered only on the order of Judicial Magistrate First Class, as such the applicant submits documents before this court for issuance of order in favour of concerned BDO for recording date of birth of applicants issues above named.
 3. This court after going through the application, report submitted by the Registrar of births and deaths B.D.O concerned and other material on record has initiated enquiry in the matter. During the course of enquiry

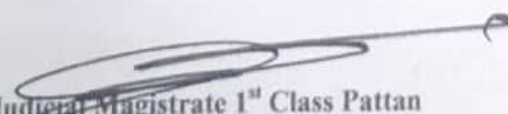
Aashiq Ahmad Wani V/S, Registrar of Births & Deaths /B.D.O Pattan
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this court has called record from school for ascertaining the authenticity of date of birth of the children of applicant. In pursuance to same the applicant has placed school certificates of his children issued by Govt. Girls Middle School Yadipora Pattan before this court. From the perusal of the same it appears DOB of NazinaAashiqis 18-04-2012 and ShafiyaAashiqis 18-09-2013 Contents of the copies of the certificates issued by concerned school regarding dates of birth and names of the applicants children on file are true and correct This court has also recorded the statement of applicant. Applicant too has deposed that the date of birth of his children named above is true and correct . No one has submitted objections so far in pursuance to notice published in local daily by this court inviting objections from the general public in this regard.

4. From the perusal of the application, report and other material on record, this court is satisfied that the date of birth of the issues of applicant have not been registered by the non-applicant Registrar of births and deaths / **B.D.O Pattan** in the relevant register due to delay in not getting the same registered before the non-applicant However there is nothing on record suggesting that delay on the part of the applicant in this regard was either deliberate or intentional as such application deserves to be allowed and the delay condoned .
5. With these observations application submitted is allowed and the non-applicant viz, Registrar of births and Deaths **B.D.O Pattan** is ordered to register/ enter the births and other particulars of the issues of applicant in the relevant register in accordance with the procedure governing the subject and to furnish copy of the same to applicant . Copy of this order be forwarded to the Registrar of births and deaths **B.D.O Pattan** through the NazireTamilat of this court for compliance forthwith. Application is accordingly disposed of same be consigned to record after due compilation.

Announced in open court
Today on 28-7-2023


Judicial Magistrate 1st Class Pattan