

**IN THE COURT OF ADDL. CIVIL JUDGE &
JMFC AT SRIRANGAPATNA.**

DATED THIS THE 23rd DAY OF JANUARY, 2018

:PRESENT:

**Sri. ARUN KUMAR.G., B.A., L.L.B.,
ADDL. CIVIL JUDGE & JMFC.,
SRIRANGAPATNA.**

C.Mis. No.1/2018

<u>Petitioner :-</u>	Sri.P.Prajwal S/o Puttaraju.R, 22 years, R/at Baburayanakoppalu Village, K.Shettahalli Hobli, Srirangapatna Taluk, Mandya District. (By Sri.B.S.C., – Adv)
Vs	
<u>Respondent:-</u>	The Tahsildar, Srirangapatna Taluk, Srirangapatna. [Exparte]

**ORDERS ON PETITION UNDER SECTION 15 OF
REGISTRATION OF BIRTH AND DEATH ACT.**

1. The petitioner has filed the above petition u/s 13 of the Registration of Birth and Death Act, seeking issuance of birth certificate of by name P. Prajwal S/o Puttaraju.R.

The petitioner has stated that, his parents orally intimated to the respondent, for register the date of birth who

born on 05.05.1995. The respondent did not enter in the register maintained by them. Now the birth certificate is required for the purpose of Education. On these allegations the petitioner has filed the petition seeking direction to the respondent to register the date of birth of petitioner in the concerned register maintained by them. On these grounds the petitioner come up with the present petition.

2. After the service of notice of petition, the respondent did not appear before the court.

3. In order to prove the case of petitioner, the petitioner examined as P.W.1 and got marked the document as Ex.P.1 to Ex.P.3 and closed his side evidence.

4. I have heard learned counsel for petitioner, perused the records, after perusal, the points that arise for my consideration are as follows:

Point No.1: Whether petitioner has made out grounds under section 13(3) of Birth and Death registration Act to seek direction to the respondent for entering the date of birth in the concerned register?

Point No.2: What order?

5. My findings to the above points are as under.

Point No.1:- In affirmative

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

REASONS

6. Point No.1: It is the main claim of the petitioner by name P.Prajwal S/o Puttaraju.R who born on 05.05.1995 at Baburayanakoppalu Village, K.Shettahalli Hobli, Srirangapatna Taluk, Mandya. The fact of birth was orally intimated to the respondent by his parents, but as they have not registered in the register maintained by them. Now after applying the birth certificate with respondent, the respondent pleaded his inability to furnish the birth extract on the ground that the birth of the petitioner is not entered in the concerned register. As against this allegation, admittedly we have no defense from the respondent owing to his failure to appear before the court. As regard their claim, the petitioner has deposed before the court and examined as P.W.1 and got marked three documents as Ex.P.1 to Ex.P.3. Ex.P.1 is the non-availability certificate issued by the respondent and Ex.P.2 is the Notarized copy of SSLC Marks Card and Ex.P.3 is the Notarized copy of the Adhar Card which were compared with the originals. On perusal of Ex.P.1 it is clear that the respondent has pleaded his inability to issue the birth extract of this petitioner. On perusal of Ex.P.1 it discloses that the petitioner has contested the petition and as such the respondent has also not made out any reasonable grounds to reject the application of P.W.1. The fact that petitioner born on 05.05.1995 is remained undisputed. Moreover his

testimony has also remained unchallenged in this case. P.W.1 his testimony will have to be relied upon to come to the conclusion that he born on 05.05.1995 as per Ex.P.2. When no justifiable grounds are made by the respondent to reject application of P.W.1 for issuance of birth extract, certainly direction can be issued to the respondent to make necessary entry in the concerned register regarding the birth of petitioner. In absence of any available material in this regard, the claim of P.W.1 deserved to be allowed and hence this point I answer in favour of P.W.1 in affirmative.

7. Point No.2: In view of the reasons discussed above, I proceed to pass the following:-

ORDER

The petition filed U/s 15 of Registration of Birth and Death Act is allowed.

The Respondent shall register the birth of petitioner by name P.Prajwal S/o Puttaraju.R born on 05.05.1995 at Baburayanakoppalu Village, Srirangapatna, Mandya and shall issue the birth certificate to the petitioners by collecting prescribed fee.

(Dictated to the Stenographer online computer and then corrected by me and pronounced in the Open Court on this the day of 23rd January, 2018).

(Arun kumar.G.)
Addl. Civil Judge & JMFC,
Srirangapatna.

ANNEXURE

Witnesses examined for petitioner :-

P.W.1 : P.Prajwal

Documents marked for the petitioner :-

Ex.P.1 : Non-availability Certificate

Ex.P.2 : Notarized copy of SSLC Marks Card

Ex.P.3 : Notarized copy of Adhar Card

Witnesses examined for the respondent: -

Nil

Documents marked for the respondent: -

Nil

**Addl. Civil Judge & JMFC,
Srirangapatna.**

Judgment Pronounced in the Open Court
(Vide Separate Order)

ORDER

The petition filed U/s 15 of Registration of Birth and Death Act is allowed.

The Respondent shall register the birth of petitioner by name P.Prajwal S/o Puttaraju.R born on 05.05.1995 at Baburayanakoppalu Village, Srirangapatna, Mandya and shall issue the birth certificate to the petitioners by collecting prescribed fee.

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**Addl. Civil Judge & JMFC,
Srirangapatna.**