

IN THE COURT OF J.M.F.C. (II COURT), AT MYSURU

**Present: Sri.Bhimappa Pol, B.A., L.L.B.,
V Addl. I Civil Judge & JMFC, Mysuru
C/c J.M.F.C.(II Court), Mysuru**

DATED THIS THE 03rd DAY OF FEBRUARY, 2018

C.Mis.No.01/2018

**Kavitha Sanyasi Krishnarao
D/o Krishnarao Sanyasi,
Aged about 46 years,
R/at No. 637, Irwin Road,
Kamatageri, 2nd Cross,
Mandi Mohalla,
Mysuru.**

(By Sri.Prabhakar, Adv.,)

-V/s-

The Registrar : **Respondent**
Births and Deaths Registration,
Mysore City Corporation,
Mysuru.

(Ex-parte)

O R D E R

The petitioners filed this petition U/s 13(3) of Karnataka Registration of Births and Deaths Act, 1969 to direct respondent to issue birth certificate of petitioner's daughter.

2. Brief facts of petitioners case are that, the petitioner by name Kavitha Sanyasi Krishnarao D/o Krishnarao Sanyasi and Pramila was born on 04.02.1971 in the address mentioned in the cause title, because of lack of knowledge her parents have not registered

her birth date, she approached respondent for her birth certificate, but they issued an endorsement stating that her birth was not registered. Hence, this petition.

3. After service of summons, respondent remains absent, hence placed ex-parte.
4. The petitioner No.1 got examined herself as P.W.1 and relied on 4 documents which were marked as Ex.P1 to 4.
5. Heard learned counsel for petitioner.
6. Now, the points that arise for my consideration are:
 1. Whether the petitioner has made out a ground for issuance of direction to the respondent to make an entry in the Birth and Death register of the respondent's office?
 2. What order?
5. My answer to the above points are as under:
 - Point No.1:- Affirmative,
 - Point No.2:- As per final order, for the following,

:: REASONS ::

6. **Point No.1**: In order to prove the point, the petitioner No. 1 has filed affidavit in lieu of examination in chief examination as PW1 and

retreated the petitioner awareness. She has got marked as Ex.P1 to 4. Ex.P1 is non availability certificate. Ex.P2 is notarised copy of SSLC marks card, Ex. P3 is notarised copy of passport and Ex.P4 is notarised copy of Adhaar Card. . Ex.P2 discloses that, she born on 04.02.1971, no contrary evidence is placed to disjhbeltieve the version of P.W.1 and evidence of P.W.1 remains absent, nothing holds from believing the version of P.W.1. From oral evidence and from documentary evidence, the petitioner clearly establithed that, petitioner by name Kavitttha Sanyasi Krishnarao D/o Krishnarao Sanyasi and Pramila was born on 04.02.1971. Hence, this point answered in affirmative.

9. **Point No:2:** Reasons assigned to Point No.1 resulted in following:

:: ORDER ::

The petition filed by petitioners U/s 13(3) of Registration of Births and Deaths Act, is allowed.

The respondent is directed to make entry with respect of petitioner by name Kavitha Sanyasi Krishnarao D/o Krishnarao Sanyasi and Pramila was born in No. 637, Irwin Road, Kamatageri, 2n Cross, Mandi Mohalla, Mysuru on 04.02.1971, in register kept for that, after collecting necessary fee.

[Dictated to the Stenograptheir, typed by their, corrected and then pronounced by me in the Open Court on this the **03rd day of February, 2018**]

(Bhimappa Pol)

V Addl. I Civil Judge & JMFC, Mysuru
C/c JMFC (II Court), Mysuru.

ANNEXURE

List of witnesses examined on behalf of Petitioner:

P.W.1 : Madegowda @ Mahadevu

List of witnesses examined on behalf of Respondent:

-Nil-

List of documents marked on behalf of Petitioner:

Ex.P1 : Non Availability Certificate

Ex.P2 : SSLC Marks Card

List of documents marked on behalf of Petitioner:

-Nil-

(M.MANJUNATHA)

I Addl. I Civil Judge & JMFC, Mysuru
C/c JMFC (II Court), Mysuru.

ಆದೇಶ

ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಲಾಗಿದೆ.

ಎದುರುದಾರರು ಅರ್ಜಿದಾರರಾದ ಕವಿತಾ ಸನ್ಯಾಸಿ
ಕೃಷ್ಣರಾವ್ ಬಿನ್ ಕೃಷ್ಣರಾವ್ ಮತ್ತು ಪ್ರಮೀಳಾ ರವರು
ದಿನಾಂಕ 04.02.1971 ರಂದು ಮೈಸೂರಿನಲ್ಲಿ ಜನನ
ಹೊಂದಿದ್ದು ಜನನ ರಿಜಿಸ್ಟರ್ ನಲ್ಲಿ ಅರ್ಜಿದಾರರಿಂದ
ಅವಶ್ಯವಿರುವ ಶುಲ್ಕ ಪಡೆದು ನೋಂದಣಿ
ಮಾಡಬೇಕೆಂದು ಆದೇಶಿಸಿದೆ.

ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಮೂಲ
ದಾಖಲಾತಿಗಳನ್ನು ಅವುಗಳ ದೃಢೀಕೃತ ನಕಲನ್ನು ಪಡೆದು
ಹಿಂತಿರುಗಿಸಲು ಆದೇಶಿಸಲಾಗಿದೆ.

ಜೆ.ಎಂ.ಎಫ್.ಸಿ (2 ನೇ ನ್ಯಾಯಾಲಯ), ಮೈಸೂರು