

**IN THE COURT OF THE ADDL. CIVIL JUDGE AND J.M.F.C.,
KUNDAPURA.**

Crl. M.C. No. 207/2018

:Present :

**Sri. Shrikanta N.A., B.A. LL.B.,
Addl. Civil Judge & JMFC.,
Kundapura.**

Dated: This the 3rd day of July, 2018

Thamayya Poojary, 66 years,
S/o. Late Giriya Poojary,
R/o. Gundmi Village, Rathabeedi,
Sasthana Post, Udupi Taluk.
Udupi District.

..... Petitioner

(Represented by Sri. A.S.S., Advocate)

AND :

The Thahsildar,
Udupi.

..... Respondent

(Placed Exparte)

**ORDER ON PETITION FILED U/S 13(3) OF THE REGISTRATION
OF BIRTHS & DEATHS ACT OF 1969.**

This is a petition filed under sec 13(3) of the Registration of the Births and Deaths Act, 1969. It is stated in the petition that the **petitioner's daughter** by name **JYOTHI** was born on 20-10-1974 at **Gundmi Village of Udupi Taluk**, Udupi District, and the information of birth was not intimated to the respondent by oversight.

2. The respondent has issued an endorsement as per Ex.P.1 stating that, there is no entry regarding the date of birth in the concerned register. Accordingly, present petition is filed for proper direction to the respondent to make an entry regarding the birth.

3. In spite of service of notice, the respondent did not appear before the Court. As such the respondent is placed *ex parte*.

4. Heard the counsel for the petitioner.

5. The points that would arise for consideration are;

1. Whether the petitioner is entitled for the relief as prayed in the petition ?

2. What order ?

6. The findings to the above points are as under;

1. Point No.1 : In the affirmative.

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

REASONS

7. **Point No.1 :-** The petitioner has filed affidavit in lieu of **his** examination-in-chief as P.W.1 wherein **he** has reiterated the averments of the petition. The petitioner in support of **his** contention has relied upon Ex.P1 and P2. Ex.P1 is the endorsement issued by **The Dy. Tahashildar, Taluk office, Udupi**, Ex.P.2 is identity card issued by **Southern India Beedi Works Pvt. Ltd.**, wherein it could be seen that the Date of Birth of the **petitioner's daughter** has been entered as **20-10-1974**. The evidence of

petitioner and the contents of petition remain unchallenged by the respondent. Hence, there is no controversy raised about the date of birth, which is entered in Ex.P2. Hence, it is necessary to issue direction to the respondent to make an entry regarding the date of birth, as prayed in the petition. Hence, point No.1 is answered in the **affirmative**.

8. **Point No.2 :-** In view of finding on Point No.1, this Court proceeds to pass the following:

O R D E R

The petition filed by the petitioner under Sec 13(3) of the Registration of the Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to cause entry regarding the date of birth of **“JYOTHI” D/o. Thammayya Poojary and Kalyani Poojarthy who born on 20-10-1974 at Gundmi Village, Udupi Taluk, Udupi District** in the concerned registers after collecting necessary fees, as required under law.

(Dictated to the Stenographer directly on computer printout corrected and then pronounced in the Open Court on 03-07-2018)

(SHRIKANTA N.A.)
Addl.Civil Judge & J.M.F.C.,
Kundapura.

ANNEXURE**Witness examined for the petitioner:**

P.W.1 : Thammayya Poojary,

Documents marked for the petitioner:

1) Ex.P.1: Non-Availability Certificate

2) Ex.P.2: Identity card issued by Southern India Beedi Works Pvt. Ltd.,

Witness examined, documents marked for the Respondent :-

- Nil -

(SHRIKANTA N. A.)

Addl.Civil Judge & J.M.F.C.,
Kundapura.

Phs

“Order pronounced in the Open Court”

O R D E R

The petition filed by the petitioner under Sec 13(3) of the Registration of the Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to cause entry regarding the date of birth of **“JYOTHI”**

D/o. Thammayya Poojary and Kalyani Poojarthy who born on 20-10-1974 at Gundmi Village, Udupi Taluk, Udupi District in the concerned registers after collecting necessary fees, as required under law.

**(Shrikanta N.A.)
Addl.Civil Judge & J.M.F.C.,
Kundapura.**