

ORDER BELOW EXH - 01(Passed on this 20th day of June, 2018)

1] The applicant has moved this application for entry of birth of her son in Gram Panchayat record of Zilimili.

2] It is the case of applicant that applicant's son is born on 22/02/2001. But entry of birth of her son was not made in the Gram Panchayat record of Zilimili. Accordingly said Gram Panchayat issued a letter informing that there is no entry with regard to date of birth of her son in its record. For education purpose applicant needs birth certificate. In result, applicant by way of present application under section 13(3) of Registration of Births and Deaths Act, 1969, seeking relief of directing the entry of date of birth of her son in the record of Gram Panchayat, Zilimili.

3] Public notice in the form of paper publication was ordered and same was published in daily news paper "Punyanagari" (Exh. 15). But nobody appeared in response to public notice to raise any sort of objection.

4] The applicant relied on several documents. She filed on record birth entry unavailability certificate, copy of Aadhar Card, Copy of Bonafide certificate, public notice in the form of newspaper and some of these documents. By filing say the Grampanchayat Zilimili given no objection to grant relief claimed by applicant.

5] From the material brought on record following points arise for my determination. I have considered all of them at length and recorded my findings thereon followed by reasons thereof:

Sr. No.	Point's	Finding's
1	Whether this date of birth of applicant's son is not registered within one year of his birth ?	Yes
2	Whether the date of birth of applicant's son is verified to be correct ?	Yes
3	What order ?	Application allowed

REASON'S**As To Points No. 01 & 02 :-**

6] In order to avoid repetition of facts and evidence I have choosen to consider point No. 1 and 2 conjointly. Applicant on oath has reiterated averment made in the application. Even after publication of public notice, nobody has appeared to raise objection and therefore, there is nothing on record contrary to what applicant has deposed. Applicant filed several documents on record. These documents strengthens the testimony of applicant. The certificate issued by Gram Panchayat regarding Non-availability of Birth registration entry (Exh. 12) proves the fact that there is no entry with regard to date of birth of her son in it's record. There is nothing on record to the contrary to show any othis date of birth of her son.

7] Parents of applicant fails to enter the date of birth of her son in Grampanchayat Zilimili. Now she needed birth certificate for Official work. The documents referred above and evidence of applicant shows that the date of birth of her son is 22/02/2001. The applicant's son born on prior to more than one year back. Therefore, recourses available to applicant under section 13(1) and 13(2) of Registration of Births and Deaths Act, 1969, have now lapsed. The applicant has only one remedy available is to approach this Court under section 13(3) of Registration of Births and Deaths Act, 1969, which the applicant has eventually done. The negligence and inadvertencey shown by parents of applicant can not be reason to deprive her son the statutory relief.

8] The submission made by the applicant corroborated with documents. Even after issuing public notice, nobody has raised objection, I think that sufficient verification has been done with regard to the correctness of the date of birth of applicant's son. As the correctness of such date of birth is verified, as per section 13(3) of Registration of Births and Deaths Act, 1969, I think it is fit to pass the order with regard to entry of date of birth of applicant in the record of Gram Panchayat, Zilimili. Accordingly, I pass following order;

ORDER

1)Application is allowed.

2)As per section 13(3) of Registration of Births and Deaths Act, 1969, Registrar of Births and Deaths of Gram panchayat Zilimili is directed to enter the date of birth of applicant's son namely Kailash Babulal Mendhe as 22/02/2001, on payment of prescribed fees and issue birth certificate accordingly.

3)Application disposed off accordingly.

4)Dictated and pronounced in the open court.

sd/-

Place : Gondia,
Date : 11/06/2018

(A. S. Jarude)
JMFC, Court No. 3
Gondia