

ORDER BELOW EXH. 01 IN CRI. M.A. NO. 01/2018
(CNR NO. MHJG10-000025-2018).

This is an application u/s. 13(3) of the Registration of Births & Deaths Act, 1969 seeking direction to the authority under said Act i.e. Nagarpalika Bhusawal, Tal. Bhusawal, Dist. Jalgaon to take the entry of birth of applicant namely Avinash Vinayak Gadkari as on 01/08/1976.

2) It is the contention of applicant that he born on 01/08/1976 at Bhusawal, Tal. Bhusawal, Dist. Jalgaon. However, inadvertently, his parents had not entered his birth date in the record of concerned Nagarpalika. At present, he is in need of birth certificate for the purpose of passport. Therefore, he approached to the Nagarpalika Bhusawal for grant of birth certificate, but the concerned officer has intimated him that register for the period of 1976 does not bear entry of his birth date. In support of his contentions, the applicant has produced the letter of C.O. Nagarpalika, Bhusawal (Exh.6) and verified copies of Leaving Certificate (Exh.10/1) & Bonafide (Exh.10/2) etc.

3) Heard Ld. Advocate for the applicant. Application is supported by the affidavit of the applicant.

4) From say of C.O., Nagarpalika Bhusawal it appears that, said office has no record in respect of birth date of applicant.

5) In view of the provisions of Sec. 13(3) of the Registration of Births & Deaths Act, 1969, it becomes clear that duty is casted upon this Court to verify the correctness of date of birth. Here, in this case, the applicant has filed the verified copies of Leaving Certificate (Exh.10/1) & Bonafide (Exh.10/2), wherein the date of birth of applicant Avinash is shown as 01/08/1976.

6) In compliance of order passed below Exh.1, notice of the application was circulated in two newspapers i.e. Dainik Avhan and Dainik Janashakti (Exh.7/1 & 7/2). However, despite wide circulation, till date, no one has raised objection to the prayer of the applicant. The applicant has filed his evidence affidavit at Exh.08.

7) At present there is no material to discard the evidence given on behalf of applicant. As such, there appears satisfactory material to hold that the applicant Avinash born on 01/08/1976. Therefore, it appears just and proper to direct the respondent or concerned authority under the Registration of Births and Deaths Act, 1969, having record of Nagarpalika Bhusawal for the period of 1976 to record the date of birth of applicant Avinash in the concerned registers as per rules. Hence, I pass the following order :-

O R D E R

- (1) Application is allowed.
- (2) Nagarpalika Bhusawal, Tal. Bhusawal, Dist. Jalgaon or concerned authority under the Registration of Births and Deaths Act, 1969 having record of Nagarpalika Bhusawal, Tal. Bhusawal, Dist. Jalgaon for the year 1976 are directed to take birth entry of the applicant namely **Avinash Vinayak Gadkari**, R/o. Mangeshi Srushti, A 202, Beside Vasant Park, Khadakpada, Kalyan West, Dist. Thane as on **01/08/1976** into the birth and death registers, after the payment of prescribed fees as per section 13(3) of the Registration of Births and Deaths Act, 1969.

(P.A.Patil)

Date : 11/04/2018.

Judicial Magistrate, First Class,
(3rd Court), Bhusawal.