

**ORDER BELOW EXH.1 IN CRIMINAL MISCELLANEOUS
APPLICATION NO.1/2018**

The applicant filed this application under Section 13(3) of the Registration of Births and Deaths Registration Act, 1969 seeking directions to the opponent to make entry of date of birth of his son, namely, Shreyas Shriyal Jadhav, as 10/03/1993 in the Birth register kept by the opponent.

2. The facts of the application in nutshell are as under :

The applicant submitted that he is resident of village Kosumb, Tal.Sangmeshwar, Dist. Ratnagiri. The son of the applicant, namely, Shreyas Shriyal Jadhav, was born on 10/03/1993 at Lanja, Tal.Lanja, Dist. Ratnagiri. However, entry regarding date of birth of his son is not made in the birth register kept by the opponent. Now, the applicant is in need of birth certificate of his son for the purpose of service of his son. Therefore, the applicant prayed that the opponent be directed to make entry of date of birth of his son, namely, Shreyas Shriyal Jadhav, in the birth register.

3. The notice was issued to the opponent. The opponent filed its report vide Exh.10 and submitted that entry regarding date of birth of son of the applicant, Shreyas Shriyal Jadhav is not available on their record.

4. The public notice was issued in daily newspaper daily 'Prahar' dated 25.01.2018. However, no one has appeared and taken any objection regarding the date of birth of son of the

applicant.

5. Perused the record. Heard the argument of Learned Advocate L.G.Jedhe for the applicant.

6. On the perusal of record and after hearing the arguments, following points arise for my determination. These points are mentioned here-in-below along with my findings for the reasons mentioned below :-

Sr.No	POINTS	FINDINGS
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1	Whether applicant proves that date of birth of his son, viz., Shreyas Shriyal Jadhav ,i.e 10/03/1993 is not registered ?	Yes.
2	Whether applicant is entitled for the directions as prayed for ?	Yes.
3	What order ?	Application is allowed.

REASONS

AS TO POINT NO. 1 AND 2:-

7. The point Nos.1 and 2 are interlinked with each other. To avoid repetition, I discuss both these points together.

8. The applicant has produced the copy of News paper viz. 'Prahar' at Exh.17. The applicant has filed his affidavit vide Exh.13. The applicant has also produced certificate in Form No.13B issued by the opponent at Exh.14, Certificate issued by Police-Patil, Lanja, Tal. Lanja that date of birth of Shreyas Shriyal Jadhav as 10/03/1993 at Exh.15, verified copy of Aadhar Card of the applicant at Exh.16, verified copy of Aadhar Card of son of the applicant, viz., Shreyas Shriyal Jadhav at Exh.17, in support

of his case.

9. It reveals from the affidavit of applicant that the contents of it are on the same line as that of his application. It is consistent with the documents on record. The applicant on affidavit affirmed that date of birth of his son, namely, Shreyas Shriyal Jadhav is 10/03/1993 and it is not registered.

10. The applicant is in need of birth certificate of his son for the purpose of service of his son. The opponent is unable to issue birth certificate because of unavailability of entry of date of birth of son of the applicant on their record.

11. **Section 13(3) of the Registration of Births and Deaths Registration Act, 1969 provides :-**

“ Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of First Class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.”

12. In the present case, the affidavit of the applicant supported by the documents on record *prima-facie* show that the date of birth of son of the applicant, viz. Shreyas Shriyal Jadhav i.e. 10/03/1993 is not registered in the Birth Register kept by the opponent within time. The birth of son of the applicant, Shreyas Shriyal Jadhav is duly confirmed on the perusal of documents on record. Thus, the applicant is entitled to the issuance of birth certificate of his son Shreyas Shriyal Jadhav in view of this

provision. Therefore, it would be proper to direct the opponent to make entry of date of birth of son of the applicant, namely, Shreyas Shriyal Jadhav on their record on payment of prescribed fee by the applicant. Hence, I answer the point nos.1 and 2 in affirmative.

AS TO POINT NO. 3

13. In view of answers to point Nos.1 and 2, the application deserves to be allowed. Hence, I pass following order :-

ORDER

- 1 The application is allowed.
- 2 opponent shall make entry of date of birth of son of the applicant, namely, Shreyas Shriyal Jadhav as 10/03/1993 in concern birth register, on payment of prescribed fee by the applicant, under the provisions of the Registration of Births and Deaths Act, 1969.
- 3 The opponent are directed accordingly.

Date: 01/03/2018
Plae: Lanja

(D.M.Hinglajkar)
Judicial Magistrate,F.C.,
Lanja