



CNR: KAHC010227282026

NC: 2026:KHC:36693
WP No. 10114 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 10114 OF 2026 (LB-BMP)

BETWEEN:

1. MS RUDRI JAYSHREE BHANUSHALI
AGED ABOUT 2 YEARS
SINCE MINOR REPRESENTED BY
HER MOTHER AND SOLE GUARDIAN
SMT JAYSHREE MAHESH BHANUSHALI
2. SMT JAYASHREE MAHESH BHANUSHALI
D/O MAHESH BHANUSHALI
AGED ABOUT 42 YEARS

1 AND 2

R/A NO. 522/6, 24TH E CROSS
MUNESHWARA BLOCK EJIPURA
BENGALURU SOUTH
BENGALURU -560047.

Digitally
signed by
VANAMALA N
Location:
HIGH COURT
OF
KARNATAKA

...PETITIONERS

(BY SRI. DHANANJAY V JOSHI., SENIOR ADVOCATE
FOR SRI. SWAROOP S., ADVOCATE)



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AND:

1. THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
ROOM NO. 320, 3RD FLOOR
VIDHANA SOUDHA
BENGALURU -560001.
2. THE REGISTRAR OF BIRTHS AND DEATHS
BRUHATH BENGALURU MAHANAGARA PALIKE
NR SQUARE,
BENGALURU -560061.

...RESPONDENTS

(BY SRI.PAWAN KUMAR., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT NO.2 TO REGISTER THE BIRTH OF THE PETITIONER NO.1 BY ISSUING APPROPRIATE BIRTH CERTIFICATE SHOWING THE PETITIONER NO.2 AS A SINGLE PARENT IN CONSIDERATION OF THE REQUISITION DATED 21.01.2026. (ANNEXURE-A); B. DIRECTING THE RESPONDENT NO.2 TO CONSIDER THE REPRESENTATION 16.02.2026 IN ACCORDANCE WITH LAW. (ANNEXURE-A).



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THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The second petitioner asserts that she has given birth to the first petitioner at home and that the first petitioner is born without wedlock. The second petitioner's specific case is that the father has evinced no interest in raising the child or taking care of the child, and that she, as a single mother, is nurturing the first petitioner. The second petitioner asserts that upon understanding that the first petitioner's interest commands that all her due identification records [*beginning with the Birth Certificate*] must only mention her name, she has addressed a letter under registered post to the second respondent enclosing an affidavit, but she has received no response.



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2. Sri Dhananjay V Joshi, the learned Senior Counsel for the petitioners, while arguing for directions to the second respondent to register the birth of the first petitioner in the Register of Births and Deaths mentioning the second petitioner's name as a single parent, has emphasized the following factors stating that these will be decisive. The factors as emphasized by the learned Senior Counsel are as follows. **[A]** The second petitioner is the first petitioner's biological mother. **[B]** The second petitioner, for her own reasons and in the best interest of the first petitioner, does not desire to disclose the father's name. **[C]** The first petitioner's biological father has evinced no interest in the first petitioner's well-being or upbringing. **[D]** The second petitioner's request for the Birth Certificate of the first petitioner showing only her name has not met with any positive response.



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3. On the permissibility of registering the birth mentioning only the name of one parent, Sri Dhananjay V Joshi places reliance upon the Apex Court's decision in ***ABC v. The State [NCT of Delhi]***¹ to underscore ***[i]*** that there must be a direction to the authorities to issue Birth Certificate without mentioning the name of the father if such Certificate would be in the best interest of the child, ***[ii]*** that the child's interest would be paramount rather than the interest of a particular parent and ***[iii]*** that the biological mother's affidavit that the child is born from her womb should suffice.

4. This Court has called upon Sri. Pawan Kumar, a learned Standing Counsel for the respondents, to secure instructions in the light of these circumstances for the disposal of the petition. The learned Standing Counsel submits that the petitioners have not filed an application in the

¹ AIR 2015 SC 2569



prescribed Form under the Registration of Births and Deaths Act, 1969 [for short '*the Act of 1969*'] and that the second petitioner, notwithstanding her constraints, should have filed information about the first petitioner's birth within 30 days of her birth. The learned Standing Counsel also submits that the second petitioner ought to have filed the information of the first petitioner's birth within one year, but because she has not filed the information within one year as aforesaid, she must apply with the Jurisdictional Magistrate under Section 13 of the Act of 1969 and that the learned Magistrate will have to verify the correctness of the birth and permit such registration.

5. In rejoinder, Sri. Dhananjay V Joshi submits that this Court may permit the petitioner to approach the Jurisdictional Magistrate as envisaged under Section 13 of the Act of 1969 for verification of the second petitioner's assertion about the birth of



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the first petitioner, but this Court must render a view on the following question for an effective adjudication. The learned Senior Counsel presents the following question.

Whether the second petitioner's request could be rejected because she chooses not to disclose the name of the person who is responsible for the first petitioner's birth.

6. The Apex Court in **ABC vs The State [NCT of Delhi]** [*supra*] has examined the need to disclose the father's name in the context of the Hindu Adoptions and Maintenance Act, 1956 and the Central Adoption Resources Authority Regulations. The Apex Court has expounded that the child's interest must be paramount and that it will suffice if the biological mother files an affidavit stating that the child is born from her womb. This Court is of the view that, even in the present circumstances, this



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exposition must prevail as the first petitioner's well-being will inarguably be paramount.

7. This Court also opines that the registration of the first petitioner's birth under the Act of 1969 only with the second petitioner's name would not foreclose any other issue that could be examined at the first petitioner's instance if there is a cause for the same, and this Court further opines that the registration as afore will only facilitate the first petitioner's enrollment in a school and enable her assimilation into the society as a citizen without precipitation. However, there must be a proper inquiry into all the relevant circumstances to verify the second petitioner's maternity.

8. This Court must mention Chapter III of the Act, 1969, and this chapter envisages compulsory registration of births and deaths by *the specified persons* within the prescribed time and the procedure



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for the same. This Chapter, in Section 13 of the Act of 1969, provides for delayed registration. This section reads as under.

13. Delayed registration of births and deaths—

- (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefor, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.*
- (2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorized in this behalf by the State Government.*
- (3) 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 the first class or a Presidency Magistrate after verifying the correctness of the*



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birth or death and on payment of the prescribed fee.

- (4) *The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.*

In the case of delayed registration of a birth or death, the jurisdictional Magistrate, being the First-Class Magistrate or a Presidency Magistrate, can direct registration of a birth or a death after due verification.

9. The question presented is answered in favour of the petitioners holding that the request for registration of the first petitioner's birth in the Register of Births and Deaths maintained under the Act of 1969 cannot be refused on the ground that the



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second petitioner does not want to disclose the name of the first petitioner's father.

The petition stands disposed of observing that the second petitioner will be at liberty to apply under Section 13 of the Act of 1969 to explain the delay, and that if the second petitioner avails this remedy, the jurisdictional Magistrate shall consider all other circumstances and pass just orders expeditiously.

Sd/-
(B M SHYAM PRASAD)
JUDGE

NV