



Cri. M.A. No. 210/2022

(C.N.R. - MHJG19 - 000853 - 2022)

{Alka Jagtap (Shimpi) V/s Chief Officer, Municipal Council,

Parola, Tal. Parola, Dist. Jalgaon)

Order passed below Exh. No. 1

1. The present application is filed by the applicant under Section 13 (3) of Registration of Birth and Death Act, 1969.

2. According to the applicant, her mother-in-law namely Vimalbai Narayan Shimpi died on Dt. 20/08/2009 at Parola, Tal. Parola, Dist. Jalgaon. On the basis of application, notice was issued to the non-applicant. The non-applicant appeared in the matter and filed his say. He mentioned in his say that, there is no entry of the death date of the applicant's mother-in-law with his record and also he has no objection to pass necessary order on the application of the applicant. The applicant has produced the copy original certificate of non-applicant and verified copy of her Aadhar Card. The non-applicant is mentioned in his certificate that, there is no entry of the death date of applicant's mother-in-law with their record.

3. Read the application. Perused documents filed by the applicant. The applicant has filed her evidence affidavit at Exh. No. 11 and her additional affidavit at Exh. No. 12. The applicant has submitted that, her mother-in-law died on Dt. 20/08/2009 at Parola, Tal. Parola, Dist. Jalgaon and she was present for funeral.

4. Considering the say filed by the non-applicant, it appears that, he has not objected the application. However, publication was issued in the daily newspaper 'Lokshahi' of Dt. 18/01/2023, but there is no one has raised objection to dispute the death date of the applicant's mother-in-law. The applicant, in his application, stated purpose behind entry to register her mother-in-law death date with competent authority to get entry of the legal-heir of his mother-in-law.

5. The non-applicant is remained absent and he has not cross-examined the applicant. It shows that, the evidence of the applicant in support of her application, is not rebutted by the non-applicant. Considering all those aspects, it appears that, there is no objection on the record about the death of date of applicant's mother-in-law i.e. Dt. 20/08/2009. The applicant has duly proved that her mother-in-law's death date is 20/08/2009. Also, she issued the public notice. In those circumstances, it is necessary to direct to non-applicant to register the death date of applicant's mother-in-law as Dt. 20/08/2009 with his register. Hence, the following order :-

Order

- (1) Application is allowed.
- (2) The non-applicant is directed to register the date of death of applicant's mother-in-law namely Vimalbai Narayan Shimpi as 20/08/2009 by following due process of law with his register, maintained under Registration of Birth & Death Act, 1969.
- (3) The applicant is directed to pay the necessary penalty as per law, which is required to register date with the concern authority.

Date : 13/04/2023.

(M.S. Quazi)

Place : Parola.

Judicial Magistrate, First Class, Parola,
Tal. Parola, Dist. Jalgaon.