



**IN THE COURT OF THE SENIOR CIVIL JUDGE &
J.M.F.C., AT TURUVEKERE.**

Present: *Smt.M.D.Pavithra B.A., LL.B.,
Senior Civil Judge and JMFC,
Turuvekere.*

Dated this 1st day of July-2026

Crl.Misc. No.89/2026

Petitioner : B.B.Fathima
D/o Afroz Ahamed Khan,
Aged about 23 years,
R/at: Beterayaswamy Temple
Road, Turuvekere Town,
Turuvekere Taluk.
Tumakuru District.

(Sri.M.G.S, Advocate)

-V/s-

Respondent : Chief Officer,
Town Municipal Council,
Turuvekere Taluk,
Turuvekere.

(Placed exparte)

**ORDERS ON PETITION FILED U/SEC.13(3) OF THE
REGISTRATION OF BIRTHS AND DEATHS ACT -
1969**



The Petitioner has filed this petition seeking directions to the respondent authority to enter date of death of Naveena Taj W/o Afroz Khan and for issuance of death certificate.

2. **Case of the petitioners in brief as follows:**

That one **Naveena Taj W/o Afroz Khan** who is the mother of petitioner, who died on 29.03.2015 at Ward No.9, Beterayaswamy Temple Road, Turuvekere Town, Turuvekere Taluk, Tumakuru District. The same was informed to the concerned authority, but the same was not entered in the register. The petitioner submitted an application to the respondent authority, for which respondent authority issued non-availability certificate. Now, the death certificate is required to get change of Katha of the properties left by the deceased, Government facility and for bank purpose. Hence, this petition.

3. In spite of notice, the respondent authority remained absent. Hence, the respondent authority placed ex-parte.



4. The petitioner has taken paper publication by publishing the public notice in the local newspaper, for the same none has appeared to oppose the petition.

5. In order to substantiate the claim, petitioner examined as PW.1 and got marked Ex.P.1 to P.2. In view of ex-parte of the respondent authority, cross-examination of PW.1 and respondent authority evidence is taken as nil.

6. Heard arguments.

7. Having perused the materials on record, following points that arises for my determination;

POINTS

**1. Whether the petitioner is entitled
to the reliefs as claimed?**

2. What order?

8. My findings on the above points as follows:

Point No.1 : *In the Affirmative.*

**Point No.2 : *As per final order,
for following.***



:: REASONS ::

9. **Point No.1:-** The petitioner claimed that **Naveena Taj W/o Afroz Khan** died on 29.03.2015 at Ward No.9, Beterayaswamy Temple Road, Turuvekere Town, Turuvekere Taluk, Tumakuru District and in spite of report, not entered in the register. Now, in order to get change of Katha of the properties left by the deceased, his death certificate and other purpose is required. Hence, upon application to the respondent authority, it issued non-availability certificate.

10. In order to prove the claim, the petitioner examined as PW.1 and got marked as Ex.P.1 to P.2. Ex.P.1 is Non-availability certificate issued by the respondent authority, Ex.P.2 is Paper publication, Ex.P.2(a) & (b) are the relevant portions. On the other hand, the respondent authority remained absent in the proceedings. The oral evidence of PW.1 is justified by the documentary evidence on record and remains unchallenged regarding death and non entering of event in the concerned records. The deceased left behind the



petitioner as his legal representatives. As per Ex.P.1, the respondent authority issued non-availability certificate. When, death of **Naveena Taj W/o Afroz Khan**, and non-entering of event of death is proved, then it is proper to issue necessary directions to the respondent authority to enter the same. The petitioner as a requirement taken public notice as per Ex.P.2. When claim of the petitioner is remains un-challenged, there is no other option except to accept the claim of the petitioner. The reasons shown by the petitioner is acceptable one. The presumption can be drawn in respect of facts stated on oath. Therefore, the petitioner is entitled to the reliefs as claimed. Hence, I answer **point No.1 in the AFFIRMATIVE.**

11. **Point No.2:-** In view of the findings given to point No.1, I pass the following:

-:: O R D E R ::-

The petition filed by the petitioner under Section 13(3) of Registration of Births and Deaths Act of 1969 is hereby ALLOWED.



In the result, the respondent authority is hereby directed to register the event of death date of Naveena Taj W/o Afroz Khan who is the mother of petitioner, died on 29.03.2015 at Ward No.9, Beterayaswamy Temple Road, Turuvekere Town, Turuvekere Taluk, Tumakuru District and issue Death Certificate accordingly after collecting necessary charges.

The acceptance of date of death is not conclusive one and is subject to fulfillment of other conditions stipulated under Law.

(Dictated to the Stenographer directly on computer and revised and corrected by me then pronounced in the open court, this 1st day of July-2026)

**(M.D.Pavithra)
Senior Civil Judge and JMFC,
Turuvekere.**

ANNEXURE

1. WITNESSES EXAMINED FOR THE PETITIONER:

PW.1 : B.B.Fathima.



2. **WITNESSES EXAMINED FOR THE RESPONDENT
AUTHORITY:**

- Nil -

3. **DOCUMENTS EXHIBITED FOR THE
PETITIONER:**

Ex.P.1 : Non-availability Certificate
Ex.P.2 : Paper publication
Ex.P.2(a) & (b) : Relevant portions.

4. **DOCUMENTS EXHIBITED FOR THE
RESPONDENT AUTHORITY:**

- Nil -

**Senior Civil Judge and J.M.F.C.,
Turuvekere.**