

MHCH110008072022



Presented on : 29-11-2022
Registered on : 29-11-2022
Decided on : 04-12-2024
Duration : 2 -Y, 5 -days

Order below Ex.1 in O.M.C.A. No.104/2022
Uttam vs. C.O. Nagar Parishad, Nagbhid.
(Date : 04/12/2024)

1. The applicant has filed present application for directing the respondent to take entry of death of his Father, namely, Aatmaram s/o Kondrya Masram as died on 05.06.1967 at Nagbhid, Taluka Nagbhid, District Chandrapur, in birth & death register maintained by the respondent. As per applicant, when he went to the non-applicant to receive death certificate of his Father, at that time he came to know that, no such death entry is available. Inadvertently, such entry is not informed to the Non-applicant. The applicant required death certificate of his Father for educational purpose of his son. hence, The application.

2. Though, the notice is served to the non-applicant however, it failed to appear and file its say. Therefore, the case is proceeded ex-parte against it.

3. I have heard arguments of learned Advocate for the

applicant. For getting such directions issued, the applicant should satisfy the court that his Father Atmaram died on 05.06.1967 at Nagbhid, Tq. Nagbhid, Dist.Chandrapur.

4. In order to prove that applicant's Father, namely, Aatmaram s/o Kondrya Masram died on 05.06.1967 at Nagbhid tq. Nagbhid, the applicant has examined himself on affidavit at Exh.10. He in his evidence on affidavit, Ex.10, stated that his Father namely Atmaram died on 05.06.1967 at Nagbhid, but, inadvertently he or any other member of his family could not register his Father's death entry in the office of respondent. Moreover, for want of objection, if any from the public at large, or say of non-applicant, the testimony of the applicant remained unchallenged.

5. Moreover, the applicant in support of his oral testimony has relied upon the documentary evidences such as, the non-availability certificate issued by the respondent filed on record at Exh.11, which shows that there is no death entry of applicant's Father in the birth and death register available in its office.

6. Admittedly, applicant issued paper proclamation at Exh.7 Sr.No.1 in daily newspaper "Deshonatti", dated 08.12.2023, and invited the objections, if any from the public at large to the registration of his Father's death in the Birth and Death register in the office of non-applicant; however, till date, no one appeared and raised objection to the registration of death of Atmaram' death. It

is, thus, from the record it appears that, father of applicant, namely, Aatmaram s/o Kondrya Masram died on 05.06.1967 at Nagbhid, Taluka Nagbhid, Dist. Chandrapur. Admittedly, the place of death of Atmaram comes in the jurisdiction of this Court.

8. Thus, from the aforesaid discussion, it is appears that, applicant required the death certificate of his father, namely, Aatmaram s/o Kondrya Masram for the cast validity of his son. However, it is not available in the office non-applicant. Hence, as per section 13 (3) of the Registration of Births and Deaths Act, 1969. , the applicant is deserved to get it registered in the office of non-applicant. Hence, following order :

ORDER

1.	The application is allowed.
2.	The respondent is directed to register the death of applicant's Father, namely, Atmaram s/o Kondrya Masram as died on 05.06.1967 at Nagbhid, Taluka Nagbhid, District Chandrapur, in birth and death register, on payment of prescribed fees, if any, by the applicant, vide Sub-Sec.(3) of Sec.13 of the Registration of Births and Deaths Act, 1969.
3.	Inform the respondent accordingly.

Date :- 04/12/2024

Sd/-
(P. D. Azade)
Judicial Magistrate, First Class,
Nagbhid.