

KABD310004162026



**IN THE COURT OF THE PRL.CIVIL JUDGE & JMFC,
AT BASAVAKALYAN.**

Dated this the 1th day of August 2026

Present.

Sri. Dynaneshwar Vittal Malagi,
B.A.L.L.B

**Prl. Civil Judge & JMFC,
Basavakalyan.**

Crl. Misc. No. 672/2026

- Petitioners :
1. Gopalrao S/o Hiranath Rao
Age: 89 years, Occu: Business,
R/o Shubhash chowk, Basavakalyan.
 2. Anitha W/o Vinayak Hibare,
Age: 50 years, Occu: Household,
R/o near Amba Bhavani Temple,
Sultanpur at Aland, Dist: Kalaburgi.
 3. Jyothi W/o Santosh Doijode,
Age: 40 years, Occu: Household,
R/o Phutan Galli, Nagar Katta
Humnabad.

(By Smt. B.G. Adv.)

/Vs/

Respondent : The Commissioner CMC, Basavakalyan.

(Placed Exparte)

ORDER

The petitioners have filed this petition under section 13(3) of the Birth and Death Registration Act-1969 seeking direction to the respondent to register the death date of deceased Suman Bai W/o Gopalrao who was died on 30-05-2005 at Shubhash Chowk, Basavakalyan, Tq: Basavakalyan, Dist. Bidar.

2. The brief facts of the petitioners case are as under;

The petitioner no.1 is the husband, petitioner no.2 & 3 are the daughters of deceased Suman Bai W/o Gopalrao who was died on 30-05-2005 at Shubhash Chowk, Basavakalyan, Tq: Basavakalyan, Dist. Bidar leaving behind them as legal heirs. The petitioners are alliterated persons, hence they have not intimated the date of death of deceased Sumanbai to the concerned authorities due to lack of knowledge, hence and They have applied for death certificate for legal necessities i.e., transfer of property. But, the respondent authority has issued non-availability certificate. It is required to issuance of direction to respondent to enter the death details of deceased Suman Bai W/o Gopalrao in concerned register. Hence, they have filed this petition.

3. In response to the court notice the respondent remained absent and hence placed ex-parte.

4. In order to prove the case, the petitioner no.1 has examined himself as Pw.1 and got 7 documents marked as Ex.P1 to Ex.P7 with sub markings and closed their side.

5. I have heard the arguments of learned counsel for the petitioners and perused the records placed before this court.

6. The points arise for consideration are as under.

1) **Whether the petitioners have made out sufficient grounds to allow the petition as prayed?**

2) **What order?**

7. My answer to the above points are as follows;

Point No.1 : In the Affirmative

Point No.2 : As per final order for the following;

R E A S O N S

8. **Point No.1** : The learned counsel for the petitioners, during argument, has reiterated the contents of petition and relied on documents and prayed to allow the petition.

9. The records show that, the petitioner no.1 has examined himself as Pw-1 and produced 7 documents as per Ex.P1 to Ex.P7. He has reiterated the contents of the petition in his affidavit. He has produced non-availability certificate issued by the respondent as per Ex.P1, Ex.P2 is the family pedigree certificate, Ex.P3 to 5 are the

attested copy of aadhar card of petitioner no.1 to 3, Ex.P6 is the English news paper Public conference, Ex.P6(a) is the notice part, Ex.P7 is the Kannada news paper Bahumani Kote, Ex.P7 (a) is the notice part.

10. The evidence of PW1 and the documents produced by his goes to show that Suman Bai W/o Gopalrao was died on 30-05-2005 at Shubhash Chowk, Basavakalyan, Tq: Basavakalyan, Dist. Bidar and there is no entry of her death in the concerned records. Despite of public notice as per Ex.P6 and Ex.P7 to oppose the contents of said petition, non has appeared and the respondent has not filed objection. Therefore, it appears that except the petitioners there are no legal heirs of the deceased.

11. There are no contrary materials to disprove the evidence given by PW1 and his testimony has remained unchallenged. Moreover, the petition is filed after lapse of more than 21 years from the date of death of deceased and the petition is maintainable before this Hon'ble Court as per law.

12. Thus, I am of opinion that, the petitioners have made out sufficient grounds to allow the petition and it deserves to be allowed. If the respondent is directed to register the death entry of the deceased, they will not be put to any loss as the order binds the parties only. However, the order of this Hon'ble Court is not conclusive proof of the death of deceased if it is disputed in any civil and criminal proceedings. Further this order is not succession order and it will not confer succession right/ inheritance right on any person in respect of any

property or claim, which is governed by relevant laws. With these discussions **the Point No.1 is answered in the Affirmative.**

13. **Point No.2:** For the reasons discussed in Point No.1, I proceed to pass the following;

ORDER

The Petition filed by the petitioners Under Section 13(3) of the Birth and Death Registration Act, 1969 is hereby allowed.

Consequently, the respondent is directed to enter the death date of deceased Suman Bai W/o Gopalrao who was died on 30-05-2005 at Shubhash Chowk, Basavakalyan, Tq: Basavakalyan, Dist. Bidar in the concerned register within one month from approach of the petitioners by receiving late fee if any as per law.

No order as to cost.

(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me in the Open Court on this the **1th day of August 2026**).

**Prl. Civil Judge & JMFC,
Basavakalyan.**

Annexure

List of witnesses examined on behalf of the Petitioner:

PW1 : Gopalrao S/o Hiranath Rao

List of documents marked on behalf of the Petitioners:

- Ex.P1 : Non-availability certificate
Ex.P2 : Certificate of family pedigree
Ex.P3 to 5 : Aadhar card of petitioner no.1 to 3
Ex.P6 : Public Conference daily News paper.
Ex.P6(a) : Notice part
Ex.P7 : Bahumani Kote daily News paper
Ex.P7(a) : Notice Part

List of witnesses examined on behalf of the Respondent:

-NIL-

List of documents marked on behalf of the Respondent:

-NIL-

**Prl. Civil Judge & JMFC,
Basavakalyan.**