

KABG410002552025



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
CHIKODI, AT: CHIKODI.**

Present: **Shri. Zaheer Atanur,**
Bsc. LLB.
I Addl. Civil Judge & JMFC, Chikodi.

Dated this the 05th Day of June, 2026

Crl. Misc No.39/2025

Petitioners:

1. Shri. Basavant Krishna Walake,
Age: 65 years, Occ: Agriculture,
R/o: Wadagol, Tq: Chikodi.
2. Smt. Sonabai Nigappa Pujari,
Age: 68 years, Occ: Househoild,
R/o: Examba, Tq: Chikodi,
Dist: Belagavi.

(By Shri.N.A.K Advocate)

Vs

Respondents:

1. The Village Accountant,
Birth and Death Registrar,
Sadalaga.
2. The Tahashildar, Chikodi,
Tq: Chikodi, Dist: Belagavi.

(Ex parte)

Nature of Petition	PETITION U/S 13(3) R/W RULE 10(3) OF REGISTRATION OF BIRTHS AND DEATHS ACT,1969
Date of Institution	28-01-2025
Date of recording evidence	21-04-2026
Date of judgment	05-06-2026
Total duration	:01 Year 04 Months 08 Day

(Zaheer Atanur)
I Addl Addl.C J & JMFC,
Chikodi.

ORDER

This is a petition filed by the petitioners U/Sec.13(3) of Birth and Death Registration Act, 1969 against the respondents seeking direction to enter the date of death of the mother of petitioners by name **Smt. Akkatai Krishna Walake** who died on **01-06-1980** in their concerned records.

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

That petitioner No.1 is permanent resident of Wadagol, Tq: Chikodi and petitioners No.2 is permanent resident of Examba, Tq: Chikodi, Dist: Belagavi. The mother of petitioners by name Late **Smt. Akkatai Krishna Walake** who died on **01-06-1980** at Wadagol Village in Chikodi Taluka. It is stated that the petitioners were under impression that death of their mother entered in the

concerned register. Later, the petitioners filed an application to obtain death certificate of their mother, it was brought to their knowledge that the death of **Smt. Akkatai Krishna Walake** is not entered in the concerned register. Now the death certificate of **Smt. Akkatai Krishna Walake** is required for Warasa and other purposes. That the mother of petitioners has died at Wadagol Village in Chikodi Taluka, which is coming within the jurisdiction of this court and hence, this court has got jurisdiction to try this petition.

3. After registration of this petition, notice was issued to the respondents. In spite of service of notice, respondents did not appear and they are placed *ex-parte*. The petitioners have also issued paper publication about this case in Kannadamma and Hasiru Kranti daily newspapers by way of substituted service. In spite of paper publications none have appeared before this court.

4. In order to prove the case, petitioner No.1 has examined himself as PW-1 got marked 04 documents as Ex.P-1 to P-04. Respondent evidence taken as nil.

5. I have heard the argument of learned counsel for petitioner and perused the documents on record.

6. Now, the following points that arise for my consideration:-

Point No.1 : Whether petitioners have made out sufficient grounds to allow this petition?

Point No.2 : What order?

7. My answer to the above points is as under;

Point No.1 : In the **Affirmative**.

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

REASONS

8. **POINT NO. 1**:- It is the case of the petitioners that, their mother by name Late **Smt. Akkatai Krishna Walake** who died on **01-06-1980** at Wadagol Village in Chikodi Taluka, but the date of death of deceased is not entered in the respondents' office. Now the petitioners are in requirement of the death certificate for Warasa and other purposes.

9. Petitioner No.1 in order to prove their case has filed affidavit in lieu of examination in chief and got examined as PW.1 and reiterated the petition averments and produced 04 documents which are marked as Ex.P-1 to P-4.

10. Ex.P-1 is Non-availability Certificate issued by the respondent No.2 which discloses that the date of death of Late **Smt. Akkatai Krishna Walake** is not entered in the death register. Ex.P-2 is the

Kannadamma daily newspaper Ex.P-2(a) is the portion in which notice is published. Ex.P-3 is the Hasiru Kranti daily newspaper Ex.P-3(a) is the portion in which notice is published that discloses the issuance of paper publication inviting any other interested persons to appear before this court to contest the case. Ex P-4 is the Notarized copy of Aadhar card.

11. The oral and documentary evidence of the PW-1 is not challenged by the respondent or any other persons. The oral evidence of the PW-1 is corroborated by the documentary evidence. This court is of the view that there is no reason to disbelieve the evidence of PW.1 and in this regard the petitioners have proved that their deceased mother by name Late **Smt. Akkatai Krishna Walake** who died on 01-06-1980 at Wadagol Village in Chikodi Taluka. Hence I answer **point No.1 in the Affirmative.**

12. POINT NO. 2:- For the foregoing reasons and discussions, I proceed to pass the following....

ORDER

The petition filed by the petitioners U/Sec.13 (3) of the Registration of Birth and Death Act, 1969 is hereby allowed.

Respondents are hereby directed to enter the date of death of mother of petitioners by name Smt. Akkatai Krishna

Walake who died on 01-06-1980 at Wadagol Village in Chikodi Taluka, in their concerned registers after collecting the necessary late fees.

It is hereby made clear that the entry shall be made only for the purpose of obtaining death certificate and the same shall not entitle the petitioners to claim any benefits which may dilute any provisions of law.

(Dictated to the stenographer directly on computer and typed by him, then script corrected by me and pronounced in the open court on 05th Day of June, 2026)

(Zaheer Atanur)
I Addl Civil Judge & JMFC,
Chikodi.

ANNEXURE

List of witness examined on behalf of Petitioner

P.W.1 : Shri. Basavant Krishna Walake,

List of documents marked on behalf of Petitioner

Ex.P.1/PW-1	: Non-availability Certificate
Ex.P.2/PW-1	: Kannadamma daily news paper
Ex.P.2(a)/PW-1	: Portion of Kannadamma daily news paper
Ex.P.3/PW-1	: Hasiru Kranti daily news paper
Ex.P.3(a)/PW-1	: Portion of Hasiru Kranti daily new paper
Ex.P.4/PW-1	: Notarized copy of Aadhar Card.

List of witness examined on behalf of Respondent

-NIL-

List of documents marked on behalf of Respondent

- NIL -

Place: Chikodi

Date: 05/06/2026

(Zaheer Atanur)
I Addl Civil Judge & JMFC, Chikodi