

KABG410043762025



**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 17th Day of August, 2026

Crl. Misc No.1406/2025

Petitioners:

1. Shri. Vasant Shivaji Pol.
Age: 72 years, Occ: Private Service.
R/o: Nej, Tq: Chikodi, District: Belagavi.
2. Shri. Kadappa Shivaji Pol.
Age: 62 years, Occ: Private Service.
R/o: Nej, Tq: Chikodi, District: Belagavi.
3. Shri. Suresh Shivaji Pol.
Age: 60 years, Occ: Private Service.
R/o: Nej, Tq: Chikodi, District: Belagavi.
4. Shri. Mohan Shivaji Pol.
Age: 56 years, Occ: Private Service.
R/o: Nej, Tq: Chikodi, District: Belagavi.
5. Smt. Rukmini Vasant Shinde.
Age: 70 years, Occ: Home Maker.
R/o: Ambaldhari Galli, Tq: Nippani,
District: Belagavi.
6. Smt. Mahadev Ashok Kadam.
Age: 58 years, Occ: Home Maker.
R/o: Bhendawad, Tq: Raibag,
District: Belagavi.

7. Smt. Rajashri Prakash Kadam.
Age: 47 years, Occ: Home Maker.
R/o: Karoshi, Tq: Chikodi,
District: Belagavi.
(Sri. D.D.P Advocate)

Vs

Respondents:

1. The Village Accountant
Nej, Chikodi, Dist: Belagavi.
2. The Tahasildar, Chikodi
Birth and Death Registrar Chikodi.
(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	29-12-2025
Date of recording evidence	07-04-2026
Date of judgment	17-08-2026
Total duration	00 Year 07 Months 19 Days

(Zaheer Atanur)

I 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 **Sou: Shanta Shivaji Pol** who died on 01-09-2021 in their concerned records.

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

That petitioners No.1 to 4 are the permanent resident of Nej Village , Chikodi Tq, petitioners No.5 is the permanent resident of Ambaldhari Galli, Tq: Nippani, petitioners No.6 is the permanent resident of Bhendawad Village, Tq: Raibag, petitioners No.7s' permanent resident is Karoshi Village, Tq: Chikodi, The mother of petitioners by name Late **Sou: Shanta Shivaji Pol** who died on 01-09-2021 in her house situated at Nej Village, Taluk: Chikodi, District: Belagavi. It is stated that the petitioners were under impression that the said death date of their mother might have entered in the concerned records. Later, the petitioners filed an application to obtain death certificate of their mother, it was brought to their knowledge that the death of **Sou: Shanta Shivaji Pol**, is not entered in the concerned register. Now the death certificate of **Sou: Shanta Shivaji Pol**, is required for Warasa and other benefits. That the mother of petitioners has died in her house at Nej Village, Taluk: Chikodi, District: Belagavi, 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 respondent. In spite of service of notice, respondent did not appear and he is 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.3 has examined himself as PW-1 got marked 06 documents as Ex.P-1 to P-5.

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 **Sou: Shanta Shivaji Pol** who died on 01-09-2021 in her house situated at Nej Village, Taluk: Chikodi, District: Belagavi, but the date of death of deceased is not entered in the respondents' office. Now they require the death certificate for family and legal necessities.

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 06 documents which are marked as Ex.P-1 to P-5.

10. Ex.P-1 is non-availability certificate issued by the respondent which discloses that the date of death of Late **Sou: Shanta Shivaji Pol**, 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 and 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 Voter ID.

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 Sou: Shanta Shivaji Pol who died on 01-09-2021 in her house situated at Nej Village, Taluk: Chikodi, District: Belagavi. 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.

Respondent is hereby directed to enter the date of death of mother of petitioners by name Sou: Shanta Shivaji Pol who died on 01-09-2021 in her house situated at Nej Village, Taluk: Chikodi, District: Belagavi 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 **17th Day of August, 2026**)

(Zaheer Atanur)

I Addl Civil Judge & JMFC,
Chikodi.

ANNEXURE

List of witness examined on behalf of Petitioner

P.W.1 : Shri. **Suresh Shivaji Pol.**

List of documents marked on behalf of Petitioner

Ex.P.1/PW-1 : Non-availability Certificate
Ex.P.2, 2(a), 3, 3(a)/PW-1: Paper Publications
Ex.P.4/PW-1 : Copy of Aadhar Cards
Ex.P-5/PW-1 : Copy of Voter ID

List of witness examined on behalf of Respondent

-NIL-

List of documents marked on behalf of Respondent

- NIL -

Place: Chikodi

Date: 17/08/2026

(Zaheer Atanur)

I Addl Civil Judge & JMFC,
Chikodi.