

KABG510012722026



**IN THE COURT OF THE PRL. CIVIL JUDGE AND JMFC,
AT GOKAK.**

-:Present:-

Sri. SAMPATTAKUMAR BALOLAGIDAD

B.A. LL.B., (Spl)

Prl. Civil Judge & JMFC,
Gokak.

Crl. Misc No.511/2026

Dated this 20th June 2026

- PETITIONERS:**
1. Sri.Babamiya S/o. Dadamiya Jamadar,
Age : 54 Years, Occ: Business,
R/o.Tippu Nagar, Gokak - 591307
 2. Jabin W/o. Dastgir Naikwade,
Age : 53 Years, Occ: Household,
R/o.Nippani, Dist. Belagavi - 591237
 3. Najamin W/o. Nijam Solapure,
Age : 50 Years, Occ: Household,
R/o.Karajaga, Tq. Hukkeri -591225
 4. Javeedmiya S/o. Dadamiya Jamadar,
Age : 47 Years, Occ: Business,
R/o.Tippu Nagar, Gokak -591307
 5. Mobinnisa W/o.Dastgeersab Jakati,
Age : 46 Years, Occ: Household,
R/o.Hosapeth Galli, Gokak - 591307

(Sri. M.M.M, Advocate)

-V/s-

RESPONDENT:

The Commissioner
Registrar of Births and Deaths,
CMC Gokak, Dist. Belagavi.

(Exparte)

ORDER

The petitioners have filed the petition U/Sec.13(3) of Registration of Births and Deaths Act, 1969, seeking direction to respondent to enter death details of Dadamiya S/o.Babamiya Jamadar who expired on 08-08-2023 at Gokak town and to issue death certificate.

2. The brief facts of the case are as under:

The petitioners are children of Late Dadamiya S/o.Babamiya Jamadar. The said Dadamiya S/o.Babamiya Jamadar who died on 08-08-2023 at his residence in R/o. Town Gokak, Dist: Belagavi. The death date of deceased has not been intimated to the concerned authority due to oversight and inadvertent mistake. This fact has come to the notice to the petitioners, only after obtaining non-availability certificate issued by respondent. Hence, this petition.

3. On receipt of petition notice, the respondent is placed exparte.

4. Trial consisted of examination of petitioner No.1 as P.W.1, and got marked Ex.P1 to P10. None were examined on behalf of respondent. Ex.P.1 is the Non-Availability certificate, Ex.P2 is the Death Certificate of mother of petitioner No.1, Ex.P3 is the Aadhar card deceased Dadamiya, Ex.P4 is the Adhar Card of mother of plaintiff No.1. Ex.P5 is the Aadhar card of plaintiff No.1. Ex.P.6 is the Aadhar card of petitioner No.2, Ex.P7 is the Adhar Card of Petitioner No.3, Exp8 is the Adhar card of petitioner No.4, Ex.P9 is the Adhar Card of Petitioner No.5, Ex.P.10 is the Paper publication.

5. Heard arguments by petitioners side.

6. Upon hearing arguments and on perusal of materials placed on records, following points would arise for consideration.

1. Whether the petitioners have made out ground to allow the petition?

2. What order?

7. My findings to the above points are as under:

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

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

REASONS

- 8. Point No.1:** In order to prove their case, petitioner No.1 is examined as PW-1 and reiterated the petition contents in his examination in chief affidavit. The respondent is placed exparte. Therefore, there are no reasons to disbelieve the evidence given by petitioners side.
- 9.** Reverting to the factual matrix of the present case, petitioner No.1 has deposed on oath that, his father Dadamiya S/o.Babamiya Jamadar. who died on 08-08-2023 at his residence in R/o. Gokak town. The said fact remained unchallenged. The material placed by the petitioners discloses that the death date of deceased has not been entered in the concerned register and no rival interested persons come forward to contest the petition inspite of paper publication. Therefore, I answer the Point No.1 in the **“AFFIRMATIVE”**
- 10. Point No.2:-** For the foregoing reasons, I proceed to pass the following;

ORDER

**The petition filed by petitioners
U/Sec.13(3) of the Registration of Births
and Deaths Act 1969 is hereby allowed.**

**The respondent is hereby directed
to enter the death details of Dadamiya
S/o.Babamiya Jamadar who died on 08-
08-2023 at his residence in R/o. Gokak
Town in concerned register and to issue
death certificate to the petitioners after
collecting necessary fee and fine.**

(Dictated to the Stenographer directly on the computer, typed by her, corrected by me and then pronounced in open court on this the 20th day of June 2026)

(SAMPATTAKUMAR BALOLAGIDAD)

Prl. Civil Judge & J.M.F.C.,
Gokak

A N N E X U R E S**WITNESSES EXAMINED ON BEHALF OF PETITIONERS:-**

PW-1 : Babamiya S/o. Dadamiya Jamadar,

WITNESSES EXAMINED ON BEHALF OF RESPONDENT:-

--- NIL ---

DOCUMENTS EXHIBITED ON BEHALF OF PETITIONERS:

Ex.P-1 : Non-Availability Certificate.
Ex.P-2 to 9: Aadhar card plaintiffs ,
Ex.P-10 : Paper publication in Samadarshi daily
news paper dated 05-05-2026

DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT

--- NIL ---

(SAMPATTAKUMAR BALOLAGIDAD)

Prl. Civil Judge & J.M.F.C.
Gokak