

ORDERS ON MAIN PETITION

The petitioner has filed this petition U/Sec.13(3) of the Registration of Births and Deaths Act and have prayed to issue direction to the respondent No 1 to enter the death of **“H Moula sab S/o. late H Modin sab” as on 09.09.1986**, in the Register of Births and Deaths maintained by the respondent No 1.

2. The case of petitioner, in brief, is as under:

It is pleaded by the petitioner that, **“H Moula sab S/o. late H Modin sab”** has died on 09.09.1986 at Tekkalakote village, Siruguppa Tq, Ballari District. The petitioner approached the respondent No 1's office for obtaining death certificate and moved an application for the same. After verifying the concerned register, the concerned authorities have intimated that the death was not registered in time. Then only the petitioner came to know that the death of the said **“H Moula sab S/o. late H Modin sab”** is not registered. Hence, it is prayed before this court to allow the petition.

3. Even after due service of notice, the respondent No 1's have not appeared and have not filed any objections to the petition.

4. In order to prove the case, the petitioner has got himself examined as PW.1 and has got marked Ex.P.1 is document.

5. Heard arguments. Perused the records placed before this court.

6. The points that arose for consideration of this court are as under:

POINTS

1. Whether the petitioner has made out sufficient grounds to allow the petition?
 2. What order ?
7. The answers to the above points are as follows.

Point No 1: In the Affirmative.

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

REASONS

8. **Point** : The Petitioner has got examined before this court as PW.1 and has reiterated the contents of the petition in the examination-in-chief and has got marked Ex.P.1 which is non availability certificate pertaining to death of **“H Moula sab S/o. late H Modin sab”**.

9. In order to show that the petitioner has applied before the respondent No 1 seeking issuance of death certificate and that the non-availability certificate was issued, Ex.P.1 is produced, the document wherein the respondent No 1 has stated that the death of **“H Moula sab S/o. late H Modin sab”** has not been registered. The petitioner has issued paper publication to invite objections, if any, by any of the interested persons. None have filed objections.

10. The petitioner has corroborated the oral evidence by producing documentary evidence. The evidence of the petitioner has remained unchallenged and undisputed. This court has verified the correctness of the death of

“H Moula sab S/o. late H Modin sab”. It is well settled that the date of birth or date of death is irrelevant in the proceedings under the proceedings under Section 13 of the Act. Hence, in the present case, the petitioner has made out grounds to allow the petition. Accordingly, in view of Ex.P.1 document, this court is of the opinion that, the petitioner has made out sufficient grounds to allow the petition. Thus, the Point is answered in the Affirmative.

11. Point No.2: In view of the answer to Point , this court proceeds to pass the following;

ORDER

The Petition filed by the petitioner U/Sec.13(3) of the Registration of Birth and Deaths Act is hereby allowed.

The respondent No 1 is hereby directed to enter death of **“H Moula sab S/o. late H Modin sab”** in the concerned Register, as if he/she has died on **09.09.1986** at Tekkalakote village, Siruguppa Tq, Ballari District, after collecting necessary fee as required under law.

It is made clear that the mention of date of death herein is not in the nature of declaration.

(Dictated to the Typist directly on the computer and typed by him corrected and then pronounced by me in the Open Court on this the 2nd day of July-2026).

(Ashok R.H.)
Civil Judge & JMFC,
Siruguppa.