



THE COURT OF I ADDL. CIVIL JUDGE & JMFC.,
MUDIGERE

PRESENT: Smt. Suraksha K.K. B.B.M., LL.B.,
I Addl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 29th DAY OF APRIL 2026

Crl.Misc.No.453/2025

BETWEEN :

Smt.Isamma,
Aged about 59 years,
W/o late Ummar Beri,
R/o Devaramakki,
Gonibeedu Village & Hobli,
G.Hosahalli Post,
Mudigere Taluk.

....Petitioner

(By Sri.H.K.Raghu, Adv.,)

AND :

- 1.** The Tahsildar,
Mudigere Taluk.
- 2.** Sri.Hasainar,
Aged about 40 years,
S/o late Ummar Beri @ Hammabba,
R/o Devaramakki,
Gonibeedu Village & Hobli,
G.Hosahalli Post,
Mudigere Taluk.
- 3.** Sri.Moideen,
Aged about 39 years,
S/o late Ummar Beri @ Ahamed,
R/o Gonibeedu Village, Post & Hobli,
Mudigere Taluk.

....Respondents

(R-1, 2 Absent)

(R-3 By Sri.Siddaiah.D, Adv.,)



ORDERS ON MAIN PETITION

This is a petition filed by the petitioner under Section 13(3) of Registration of Birth and Death Act, 1969 seeking for direction by this Court to the 1st respondent authority to enter the date of death of petitioner's husband by name Ummar Beri S/o Mohammed Farooq, who was died on 28.12.1993 at Devaramakki, Gonibeedu Village, Post & Hobli, Mudigere Taluk, in the register maintained by its office.

2) The above petition was filed on 24.11.2025 and this Court has issued notice to the respondents. In-spite of service of notice, the respondent No.1 and 2 have not appeared before this Court and remains absent and after service of notice respondent No.3 appeared before the Court and submits he has no objection to the main petition.

3) Now the following points arise for consideration of this Court:

1. Whether the petitioner has made out grounds for issuance of directions as sought in the petition?

2. What order?

4) In support of the petitioner's case, the petitioner got examined herself as PW1 and got marked documents at Ex.P1 to P5 and closed her side. There is no evidence to the contrary.



5) Heard the petitioner's counsel, and on perusal of oral and documentary evidence produced before this court. This Court answer the above points are as follows:

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

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

REASONS

6) Point No.1: In order to prove the averments of the petition, the petitioner got examined herself as PW1 by filing her affidavit in lieu of examination-in-chief. Wherein she has reiterated the petition averments. Therefore, it is needless to say as it is nothing but repetition of facts. She has also adduced the documentary evidence and got marked the same as Ex.P1 to P5 documents.

7) It is contended by the petitioner that the deceased by name Ummar Beri S/o Mohammed Farooq, who is the husband of petitioner was died on 28.12.1993 at Devaramakki, Gonibeedu Village, Post & Hobli, Mudigere Taluk. But, due to oversight, mistake and inadvertence, his date of death is not registered in the concerned register of the respondent No.1 authority and now the death certificate of the deceased is required for bonafide purpose.

8) It is further contended by the petitioner that he has not got register the date of death of the deceased at the respondent No.1 authority and the same is not an intentional one. Further, when he approached the respondent No.1 authority, they have issued a non-availability certificate instead of issuing death certificate by



stating that the date of death of the deceased is not registered. The said non-availability certificate issued by respondent No.1 is marked at Ex.P1. The petitioner also adduced evidence and got marked documents at Ex.P2 to 5 which are the notarized copies of genealogy certificate, notarized copy of Aadhaar card and paper publications. Ex.P2 goes to show that the petitioner and respondents No.2 and 3 are the legal representatives of the deceased.

9) Further, the petitioner got published public notice through news papers publication in Jilla Sudhi Maadhyama and Malenadu Nakshathra daily Kannada newspapers on 28.03.2026 as per Ex.P4 & P5 respectively. After newspaper publications, no objection has been received with respect to the said paper publications. Ex.P2 the genealogy affidavit clearly goes to show that the petitioner and respondents No.2 and 3 are the legal representatives of the deceased.

10) It is germane to note that, in the present case the respondent No.1 and 2 have remained absent. Hence, the case of the petitioner is unchallenged by the respondent No.1 and 2. Further, the petitioner has established that she is the legal representative of the deceased, and nothing is placed by the respondent No.1 as to disbelieve the version of the petitioner. Therefore, in the event of allowing the petition, no other persons will be put into loss or injustice. On the other hand, in the event of the rejecting the petition, the petitioner will be put into the great hardship and injury. At these circumstances of the case, the



petition is deserves to be allowed. Accordingly, this Court answers point No.1 **in the Affirmative.**

11) Point No.2: In view of the above findings on point No.1, this court proceed to pass the following;

ORDER

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

The respondent No.1 is hereby directed to enter the date of death of the deceased by name Ummar Beri S/o Mohammed Farooq, as died on 28.12.1993 at Devaramakki, Gonibeedu Village, Post & Hobli, Mudigere Taluk, in concerned death register and to issue death certificate in favour of the petitioner after deposit of requisite fee, if any.

The said entry shall not be a conclusive proof of death and if in case of any dispute there exist, the death entry shall be subject to proof.

(Dictated to the Stenographer, directly typed by him on computer, corrected and then pronounced by me in the open court on **29th day of APRIL 2026, at Mudigere**).

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
Mudigere.

**: A N N E X U R E :****LIST OF WITNESS EXAMINED ON BEHALF OF PETITIONER:-**

PW1 : Isamma

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-

Ex.P1 : Non availability certificate

Ex.P2 : Notarized copy of genealogy certificate

Ex.P3 : Notarized copy of Aadhaar card

Ex.P4 & 5 : Paper publications published in Jilla Suddi Maadhyama
& Malenadu Nakshatra daily Kannada newspapers

LIST OF WITNESS EXAMINED ON BEHALF OF RESPONDENT:-

NIL

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF
RESPONDENT:-**

NIL

(Suraksha K.K.)

I Addl. Civil Judge & JMFC.,
Mudigere.

VP

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