

**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
CHANNAGIRI.**

Dated: 4th Day of April 2026

**PRESENT: SMT. MAHALAKSHMI G M.A. L.L.B.,
I Addl. Civil Judge & JMFC, Channagiri.**

Crl. Misc.121/2026

PETITIONERS: **Nasir**
 S/o Late Mohammed Hayath @
 Mohammad Hayasab
 Aged about 60 years,
 R/o Ubrani village,
 Channagiri Taluk,
 Davanagere District.

(By Shri. R.B. Advocate)

V/S

RESPONDENTS: 1. The Tahasildar,
 Channagiri Taluk .
 Channagiri

 2. The Village Accountant
 Ubrani Circle,
 Channagiri Taluk,
 Davanagere District.

(Placed exparte)

-: ORDER ON MAIN PETITION :-

The petitioner filed this petition seeking issuance of directions to respondents to enter the date of death of **Smt. Kareem Bi W/o Mahammad Hayath @ Mahammad**

Haya Sab (ಶ್ರೀಮತಿ ಕರೀಂ ಬೀ ಕೋಂ ಮಹಮ್ಮದ್ ಹಯಾತ್ @ ಮಹಮ್ಮದ್ ಹಯಾ ಸಾಬ್) **who died on 25-10-1978 at Ubrani Village, Channagiri Taluk.** The petition notice to the respondents was duly served. In spite of service of notice, the respondents did not appear. Consequent to the same also. The petitioner has been examined as PW-1 and got marked 3 documents. The Ex-P1 is the copy of non-availability certificate, Ex-P2 is the notarized copy of family tree, Ex-P3 is the notarized copy of aadhaar card of petitioner. The PW-1 has reiterated the contents of the petition in his examination in chief. As the respondents did not choose to appear, the evidence of PW.1 remained unchallenged. There is nothing available on record to disbelieve the version stated by the PW.1 on oath. Apart from this, the explanation given by the PW.1 for non informing the date of death to the concerned authorities is also satisfactory one. The PW.1 is the competent person to say regarding the death. The amendment brought to the registration of Birth and Death Act has been stayed by the Hon'ble High Court of Karnataka in W.P.No.24069/2023 clubbed with 20106/2023, W.P.NO.24082/2023 and in that regard the Hon'ble High Court of Karnataka was pleased to issue circular number R.J.234/2023 dated 20.12.2023. Thus, this court has got jurisdiction to try the petition and decide it on merits. Hence, in my opinion the petitioner has made out grounds to issue directions to the respondents authority as prayed in the petition. Hence, I pass the following,

:- ORDER :-

The petition filed by the petitioner is hereby allowed.

The respondents are hereby directed to register the date of death of **Smt. Kareem Bi W/o Mahammad Hayath @ Mahammad Haya Sab** (ಶ್ರೀಮತಿ ಕರೀಂ ಬೀ ಕೋಂ ಮಹಮ್ಮದ್ ಹಯಾತ್ @ ಮಹಮ್ಮದ್ ಹಯಾ ಸಾಬ್) who died on **25-10-1978 at Ubrani Village, Channagiri Taluk** and to issue death certificate to the petitioner by collecting necessary fees.

(Direct Dictated to stenographer on computer, and corrected by me, then pronounced in the open court dated this the **4th day of April, 2026**)

**(Smt. Mahalakshmi G)
I Addl. Civil Judge & JMFC,
Channagiri.**

:-ANNEXURE:-

I. List of witnesses examined by the applicant:

PW-1 : Nasir

II. List of documents produced by the applicant:

Ex.P-1 : Non-availability certificate
Ex.P-2 : G- tree
Ex.P-3 : Notarized copy of aadhaar card of petitioner

III. List of witnesses examined by the opponent:

-: NIL :-

IV. List of documents marked on behalf of the Respondents:

-: NIL :-

**I Addl. Civil Judge & JMFC,
Channagiri.**