

KADG320001502026



Presented on : 14-01-2026
Registered on : 14-01-2026
Decided on : 22-04-2026
Duration : 0 years, 3 months, 8 days

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

**Presided Over by SMT. JYOTI ASHOK PATTAR
(B.E., LL.B.)**

Crl.Misc. No.49/2026

Dated this 22nd day of April, 2026

Petitioner:

Mohamed Yusuff,
S/o. Late Mahammed Hussain Sab,
Aged about 54 years,
R/o: Ladwa Oni, Harihar,
Davanagere District.

Vs.

Respondent:

The Birth and Death Registrar,
CMC Harihara.

For Petitioner : Sri. G.H.B., Advocate
For Respondent : Absent

ORDERS

This is a petition filed by the petitioner U/s 13(3) R/w Sec.10(3) of the Registration of Births and Deaths Act 1969 against the respondent.

2. The facts of the case are as under:

The petitioner's father by name Mahammed Hussain Sab S/o. Rehaman Sab died on 10.04.1971 at Ladwa Oni, Harihar Taluk, Davanagere District. Due to inadvertence, neither the petitioner nor his family members have intimated the death of his father to the respondent office. The petitioner is required the death certificate of his father to change khatha in respect of immovable property. When the petitioner has applied for his father's death certificate, the respondent office had issued non-availability certificate stating that, the said death was not entered in the respondents register. So the cause of action was arise to file the petition on 14.01.2026 when the respondent has issued non availability certificate stating that his father date of death was not registered in the death Register maintained by the respondent within the jurisdiction of this court and prays for allow the petition.

3. After due service of notice, and paper publication as per the ruling of Hon'ble High Court of Karnataka the

respondent and none of the parties have appeared before this Court and have not filed any objection to this petition. Hence the respondent remained absent.

4. The petitioner himself was examined as PW.1 and got marked the Non-availability certificate as Ex.P.1, Copy of Aadhar card of the petitioner as Ex.P.2, Genealogical affidavit as Ex.P.3 and two Paper publications as Ex.P.4 and Ex.P.5 respectively and Ex.P.6 is the Photo.

5. Heard Ld. Counsel for petitioner.

6. The points that arise for Court determination are as under:

1. Whether the petitioner is entitled for the relief as prayed for?
2. What Order?

7. This Court answers to the above points is as under:

Point No.1 : In the Affirmative

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

REASONS

8. Point No.1: In order to prove the above point the petitioner is examined as PW.1 by filing an affidavit in lieu of his examination-in-chief. PW.1 deposed that, his father by name Mahammed Hussain Sab S/o. Rehaman Sab died on 10.04.1971 at his residence of Ladwa Oni, Harihar

Taluk, Davanagere District. Due to inadvertence his family members have not intimated the date of death of his father to the respondent office and when the petitioner has applied for his father's death certificate, the respondent office had issued non-availability certificate stating that, the said death of Mahammed Hussain Sab S/o. Rehaman Sab was not entered in the register maintained by the respondent's office. The learned counsel for the petitioner submitted during arguments that the death certificate of petitioner's father is required to produce before concerned authority to change the khatha of immovable property and for other purposes. If the said death is not registered, the petitioner will be put to great hardship and on the other hand there will be no hardship or inconvenience would be caused to the respondent. There is no rival claim either by the respondent or by any person though the petitioner has summoned the interested persons through public notice published in the daily newspapers. The petitioner has filed his affidavit and deposed on oath. There is no reasons to disbelieve the evidence of petitioner. Though the respondent has served with notice, the PW.1 is not cross examined. Ex.P.2 and Ex.P.3 shows that the petitioner is the son of the said Mahammed Hussain Sab S/o. Rehaman Sab. The evidence of PW.1 is unchallenged. Hence, the petitioner is entitled to get enter the date of death of the

deceased Mahammed Hussain Sab S/o. Rehaman Sab and for death certificate of the said Mahammed Hussain Sab S/o. Rehaman Sab as prayed. In the result the point No.1 is answered in Affirmative.

9. Point No.2: In view of the aforesaid reasons, proceed to pass the following,

ORDER

The petition filed by the petitioner U/Sec. 13(3) of the Registration of Births & Deaths Act 1969, is hereby allowed.

The respondent is hereby directed to register the date of death of the petitioner's father by name Mahammed Hussain Sab S/o. Rehaman Sab and Fatima Bi and H/o Hameera Bi (ಮೊಹಮ್ಮದ್ ಹುಸೇನ್ ಸಾಬ್ ತಂದೆ ರೆಹಮಾನ್ ಸಾಬ್ ಮತ್ತು ತಾಯಿ ಫಾತೀಮ ಬೀ ಮತ್ತು ಹೆಂಡತಿ ಹಮೀರಾ ಬೀ) by entering the date of death as 10.04.1971 and also the place of death as Ladwa Oni, Harihar Taluk, Davanagere District after collecting necessary fee.

(Dictated to the stenographer directly over the computer, got typed by her, corrected by me, signed and then pronounced by me in the open court this day of 22nd day of April, 2026)

(Jyoti Ashok Pattar)
Prl. Civil Judge & JMFC.,
Harihar.

ANNEXUREWitness examined for the Petitioner:

PW.1 Mohamed Yusuff

Documents marked for the Petitioner:

Ex.P.1 Non-availability certificate
Ex.P.2 Copy of Aadhar card
Ex.P.3 Genealogical Tree affidavit
Ex.P.4 &5 Two Paper publications
Ex.P.6 Photo

Witnesses examined on behalf of Respondent:

- NIL -

Documents marked on behalf of Respondent:

- NIL -

**Prl. Civil Judge & JMFC.,
Harihar.**