

KADG320007122026



**IN THE COURT OF II ADDL. CIVIL JUDGE AND JMFC
HARIHAR**

PRESENT: **SRI. BIRAPPA KAMBLE,**
B.A. LL.B.(Hon's)

Prl. Civil Judge & JMFC, Harihar.

C/c II Addl. Civil Judge & JMFC, Harihar.

CRIMINAL MISC. CASE NO. 216/2026

DATED THIS THE 16th DAY OF JULY, 2026

PETITIONER/S:

Yusuf Khan S/o Rashid Khan Sired,
aged about 36 years,
R/o: 5th Main, 3rd Cross,
Gowdra Ujjappas Kana, Vidya Nagara,
Harihara Taluk, Davanagere District.

(By Sri. M.T., Adv.)

-V/s-

RESPONDENT/S:

The Birth and Death Register,
CMC Harihar.

(Exparte)

ORDER

The petitioner has filed the petition under Section 13 (3) of Registration of Births and Deaths Act, 1969 praying for issue of direction to the respondent to issue death certificate of **Shamima Khanum W/o. Rashid Khan Sired**, who died on **15.09.2020**.

2. The facts in brief is as follows:

The mother of the petitioner by name **Shamima Khanum W/o. Rashid Khan Sired** was died on **15.09.2020**. The date of death of said **Shamima Khanum W/o. Rashid Khan Sired** has not been informed to the concerned authorities in time. The respondent has not entered the date of death of **Shamima Khanum W/o. Rashid Khan Sired** in the concerned death register. The petitioner require the Death Certificate of **Shamima Khanum W/o. Rashid Khan Sired** to produce before the concerned authorities. When the petitioner applied for death certificate, the respondent has issued Non Availability Certificate stating that, there is no entry regarding death of **Shamima Khanum W/o. Rashid Khan Sired**. Hence, prayed to allow the petition.

3. The respondent remained absent inspite of service of notice. Hence, placed exparte.

4. Petitioner got examined himself as PW.1 and got marked 5 documents as Ex.P.1 to 5 and closed his side evidence.

5. Heard the arguments.

6. On the basis of the above, the following points arise for my consideration.

1: Whether petitioner is made out sufficient grounds to allow the petition?

2: What order?

7. My answer to the above points in the affirmative for the reason mentioned infra.

REASONS

8. Point No.1 : As per the evidence of PW.1, **Shamima Khanum W/o. Rashid Khan Sired** died on **15.09.2020**. He has further deposed that, he has not intimated the death of **Shamima Khanum W/o. Rashid Khan Sired** to the respondent's authority in time. When petitioner has applied for the Death Certificate of **Shamima Khanum W/o. Rashid Khan Sired**, the respondent has issued Non availability Certificate stating that, the date of death of **Shamima Khanum W/o. Rashid Khan Sired** has not been entered in concerned Register. The petitioner

require the Death Certificate of **Shamima Khanum W/o. Rashid Khan Sired** for the purpose of producing before concerned authorities.

9. PW1 has produced the Non availability Certificate issued by respondent and got it marked as Ex.P1. On perusal of Ex.P.1 it appears that, the date of death of **Shamima Khanum W/o. Rashid Khan Sired** is not entered by respondent in the concerned Register. The petitioner has also produced the paper publications made by the petitioner about filing of this petition. The paper publications have been got marked as per Ex.P.3 and Ex.P.4. Further in spite of paper publication, nobody have come before the court to object the petition or to say about the petition.

10. Respondent in spite of service of notice has not been appeared before the court and respondent has been placed exparte. The evidence of PW.1 and Ex.P.1 to 5 documents remained unchallenged and in such circumstances, there is no reason to disbelieve the version of PW.1. Further the petitioner has duly taken the publication about the fact of filing of this petition. Therefore, there is nothing to disbelieve the case of the petitioner. Accordingly, Point No.1 is answered in the Affirmative.

11. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:

:ORDER:

The petition filed U/s. 13(3) of the Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to register the date of death of mother of the petitioner by name ***Shamima Khanum W/o. Rashid Khan Sired***, who was expired on **15.09.2020**, at Indira Nagara, Ujjappana Gowdra Kana, Harihar Taluk, Davangere District, in their register by collecting late fee and penalty if any.

(Dictated to the Stenographer directly on computer, typed by her, revised and corrected by me, signed and then pronounced in the open Court on this the 16th day of July, 2026)

(Birappa Kamble)
C/c II Addl. Civil Judge & JMFC.,
Harihar.

ANNEXURE

List of witnesses examined on behalf the petitioner:

PW1 : Yusuf Khan

List of documents marked on behalf the petitioner:

Ex.P.1 : Non-availability Certificate
Ex.P.2 : Aadhaar card of petitioner

Ex.P.3 : Genealogical tree
Exs.P4 & P5 : 2 Paper publications

List of witnesses examined on behalf the respondent :
Nil

List of documents marked on behalf the respondent :
Nil

Sd/-
(Birappa Kamble)
C/c II Addl. Civil Judge & JMFC.,
Harihar.

(Vide Separate Order)
Order pronounced in the open Court;

:ORDER:

The petition filed U/s. 13(3) of the Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to register the date of death of mother of the petitioner by name ***Shamima Khanum W/o. Rashid Khan Sired***, who was expired on **15.09.2020**, at Indira Nagara, Ujjappana Gowdra Kana, Harihar Taluk, Davangere District, in their register by collecting late fee and penalty if any.

Sd/-

C/c II Addl. Civil Judge & J.M.F.C.,
Harihar.