

KADG320010332026



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. 319/2026

DATED THIS THE 02nd DAY OF JULY, 2026

PETITIONER/S:

Rehamatulla
S/o Husen Khan,
aged about 63 years,
R/o Banuvalli Village,
Harihara, Davanagere District.

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

-V/s-

RESPONDENT/S:

The Birth and Death Registrar
The Tahasildar, Harihar Taluk.

(Exparte)

ORDER

The petitioner has filed the petition under Section 13 (2) of Registration of Births and Deaths Act, 1969 praying for issue of

direction to the respondent to issue death certificate of **Pathima Bi W/o. Husen Khan**, who died on **12.10.2024**.

2. The facts in brief is as follows:

The mother of the petitioner by name **Pathima Bi W/o. Husen Khan** was died on **12.10.2024**. The date of death of said **Pathima Bi W/o. Husen Khan** has not been informed to the concerned authorities in time. The respondent has not entered the date of death of **Pathima Bi W/o. Husen Khan** in the concerned death register. The petitioner require the Death Certificate of **Pathima Bi W/o. Husen Khan** 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 **Pathima Bi W/o. Husen Khan**. 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 PW1 and got marked 4 documents as Ex.P.1 to 4 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 PW1, ***Pathima Bi W/o. Husen Khan*** died on 12.10.2024. He has further deposed that, he has not intimated the death of ***Pathima Bi W/o. Husen Khan*** to the respondent's authority in time. When petitioner has applied for the Death Certificate of ***Pathima Bi W/o. Husen Khan***, the respondent has issued Non availability Certificate stating that, the date of death of ***Pathima Bi W/o. Husen Khan*** has not been entered in concerned Register. The petitioner require the Death Certificate of ***Pathima Bi W/o. Husen Khan*** 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.P1 it appears that, the date of death of ***Pathima Bi W/o. Husen Khan*** 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.P3 and Ex.P4. 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 PW1 and Ex.P1 to 4 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 ***Pathima Bi W/o. Husen Khan***, who was expired on **12.10.2024**, at **Banuvalli village, Harihar, 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 02nd day of July, 2026)

Sd/-

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

ANNEXURE

List of witnesses examined on behalf the petitioner:

PW1 : Rehamatulla

List of documents marked on behalf the petitioner:

Ex.P.1 : Non-availability Certificate

Ex.P.2 : Genealogical tree

Exs.P3 & P4 : 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 *Pathima Bi W/o. Husen Khan*, who was expired on 12.10.2024, at Banuvalli village, Harihar, Davangere District, in their register by collecting late fee and penalty if any.

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