

KADW500001272026



**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C.,
NAVALGUND**

Present : Sri. Naveen F. Dsouza.
B.B.A., L.L.B., (Spl).,
Civil Judge and JMFC., Navalgund.

Crl. Misc.No. 42/2026

Dated this the 27th day of April 2026

Petitioner : Sri. Prasad W/o. Huliyappa Sunagar,
Age: 23 years, Occ: Agriculture
R/o Navalgund, Taluk: Navalgund
Dist: Dharwad.

(By Sri.HBM-Adv.)

-- Versus --

Respondent : The Chief officer, TMC
Birth and Death Registrar,
Navalgund.

(Absent)

ORDER

The petition is coming for disposal under the provisions Section 13(3) of the Registration of Births and Deaths Act,1969 wherein the respondent is sought to be directed to enter the date of death of the petitioner's aunty in the concerned death register.

2. The petitioner has urged that his aunty by name, Smt. Girijavva W/o. Rudrappa Sunagar, (ಶ್ರೀಮತಿ ಗಿರಿಜವ್ವ ಕೋಂ ರುದ್ರಪ್ಪ ಸುಣಗಾರ) has expired on 07.07.1993 at Navalgund village, Navalgund taluka and when an application was moved before the respondent for the death certificate, he has come to know that the respondent has not registered the date of death of the

petitioner's aunty in the death register and therefore this petition has its inception.

3. On receipt of petition, the respondent is summoned and he has remained absent.

4. The petitioner has led his evidence and has examined himself as P.W-1.

5. Having heard the counsel for the petitioner and perusal of the materials placed on record, this court has narrowed down the dispute to definite point and has accorded the answer accordingly for the following reasons.

Sl. No.	POINTS	ANSWER
1.	Does the petitioner qualify for the relief of registration of death of his aunty?	In the Affirmative
2.	What order?	As per the final order for the following;

REASONS

6. **Point No.1:-** The petitioner has relied upon **Ex.P1** the non availability certificate dated 21.07.2025 and **Ex.P2** Death Certificate of Prakash Sunagar, **Ex.P3** Death Certificate of Parvatevva Sunagar, **Ex.P4** the Copy of adhar card of P.W-1, **Ex.P5** the Hosadigant daily Kannada news paper as well as part of publication marked as **Ex.P.5(a)**. It is deposed that, his aunty by name, Smt. Girijavva W/o. Rudrappa Sunagar, (ಶ್ರೀಮತಿ ಗಿರಿಜವ್ವ ಕೋಂ ರುದ್ರಪ್ಪ ಸುಣಗಾರ) has expired on 07.07.1993 at Navalgund village, Navalgund taluka and the same is not reported to the registrar.

7. That the non-availability of the factum of the death is reported by the respondent. On inquiry the failure to intimate the factum is stated to be unintentional. Hence, through the petition a direction is sought to enter the factum of death of his aunty.

8. On perusal of Ex.P1 it discloses that the respondent has not registered the date of death of the petitioner's aunty in the concerned Death register. It is relevant to mention that the respondent is duly served and he is not contested the claim. Further the citation is issued calling upon the general public to oppose the claim. Despite which no opposition is made.

9. The claim of the petitioner stands unopposed and uncontroverted and in the circumstance taking the judicial notice of the fact of illiteracy at the time of death, this court opines that, the failure to report the factum of death is unintentional and the same being beyond the stipulated time this court assumes jurisdiction under the Registration of Birth and Death Act, 1969 and accordingly, the petitioner qualifies for the relief. Therefore, the **point No.1 is affirmed.**

10. **Point No.2:-** In the result the following:

ORDER

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

The respondent is hereby directed to register the date of death of the petitioner's aunty namely, Smt. Girjavva W/o. Rudrappa Sunagar, (ಶ್ರೀಮತಿ ಗಿರಿಜವ್ವ ಕೋಂ ರುದ್ರಪ್ಪ ಸುಣಗಾರ) has expired on 07.07.1993 at Navalgund

*village, Navalgund taluka in the concerned
Death Register after collecting necessary fees,
if any, by the petitioner.*

(Dictated to the Stenographer, transcribed by him, corrected by me and then pronounced in the open court on this **27th April, 2026.**)

(Naveen F. Dsouza)
Civil Judge and J.M.F.C.,
Navalgund.

ANNEXURE

1. LIST OF WITNESS EXAMINED BY PETITIONER:

P.W.1 : Sri. Prasad W/o. Huliyappa Sunagar,

2. LIST OF WITNESSES EXAMINED BY RESPONDENT :

: N I L.

3. LIST OF DOCUMENTS PRODUCED BY PETITIONER :

EX.P.1 : Non Availability certificate
EX.P.2 : Death certificate of Prakash Sunagar
EX.P.3 : Death certificate of Parvatevva Sunagar
EX.P.4 : Copy of Adhar card of P.W.1
EX.P.5 : Daily Kannada news paper Hosadigant
EX.P.5(a) : Part of the advertisement

4. LIST OF DOCUMENTS PRODUCED BY RESPONDENT :

: N I L.

(Naveen F. Dsouza)
Civil Judge and J.M.F.C.,
Navalgund.
