

ORDER ON MAIN PETITION

Petitioners have filed this petition under Section 13(3) of the Registration of Births and Deaths Act, by seeking direction to the respondent to enter the date of death of **Sri. Umesh S/o.Sankrappa Chawhan** as **17-07-2021** in the death Register of **Shirol village of Naragund Taluk** maintained by the respondent.

2. Notice was issued to respondent. In-spite of service of said notice, respondent remained absent. Hence, respondent is placed Ex-parte. Heard. Perused the materials on record.

3. To prove the contents of petition, petitioner No.2 has deposed as PW-1 by filing affidavit in lieu of examination-in-chief and in the said affidavit, he has reiterated the contents of petition. Further, PW-1 has produced 3 documents and the same are marked as Ex. P1 to P3.

4. It is the contention of the petitioners that, husband of petitioner No.1, father of petitioner No.2 by name **Sri. Umesh S/o.Sankrappa Chawhan** died on **17-07-2021** at **Shirol village of Naragund Taluk** and they perform the death anniversary of said deceased on 17th July, every year. Further contended that, their family members were under the impression that the date of death of **Sri. Umesh S/o.Sankrappa Chawan** might has been registered with respondent office. But when they applied for death certificate said deceased, the respondent issued an endorsement about non-availability. Hence, filed this petition.

5. To prove the said facts, PW-1 has produced non-availability certificate issued by respondent office and it is marked as Ex.P1. The said document proves the cause of action to file this petition and support the case of petitioners. Ex.P2 and P3 are the two news papers about issuance of public notice of this petition. In-spite of paper publication, no one has appeared before court and filed objections to this petition. But said document is not relevant to this case.

6. Hence, Court is of the opinion that, there are no grounds to reject the petition. Further, in the event of allowing the petition, no other persons will be put into loss or injustice. On the other hand, in the event of rejecting the petition, the petitioners will be put into great hardship and injustice. Under these circumstances, the petition is liable to be allowed. Hence, proceed to pass the following:

-:: ORDER ::-

The petition filed by the petitioners under Section 13(3) of the Registration of Births and Deaths Act, 1964, is hereby allowed.

The respondent is hereby directed to enter the date of death of **Sri. Umesh S/o.Sankrappa Chawhan** as **17-07-2021** in the death register of **Shirol village** of **Naragund Taluk** after deposit of required fee if any and issue extract to that effect in favor of the petitioners.

sd/-
(JINNAPPA CHOUGALA)
CIVIL JUDGE & J.M.F.C, NARAGUND