



**IN THE COURT OF THE CIVIL JUDGE & JMFC, AT
BYADGI.**

PRESENT

Sri. Suresh Wagganavar, M.A.LLB(Spl).,
Civil Judge & JMFC,
Byadgi.

Dated this the 06th day of March-2026

CRL.MISC.No.254/2025

1. Sri.Peermahamad Anvarsab Erekuppi
Age: 47 years, Occ: Coolie,
R/o: Bettada Malleshwar Nagar Byadgi,
Now residing at Keravadi, Tq: Byadgi,
Dist: Haveri.
2. Smt.Najima W/o Mabusab Belagav
Age: 41 years, Occ: Household work,
R/o: Bettada Malleshwar Nagar Byadgi,
Tq: Byadgi, Dist: Haveri.

(By Sri.P.B.S., Advocate)

.....PETITIONERS.

//Versus//



Chief Officer
Birth and Death Registrar,
TMC Byadgi, Tq: Byadgi, Dist: Haveri.

(Absent)
...RESPONDENT.

ORDERS

1. The petitioners have filed this petition against the respondent U/Sec.13(3) of Births and Deaths Registration Act, seeking direction to the respondent to enter the death date of father of petitioners by name **Sri.Anvarsab Karimsab Erekippi** died as on 01.10.1971 at Byadgi village of Byadgi Taluk.

2. **The averments of the petition in brief are as under:**

That the petitioners are the children of deceased **Sri.Anvarsab Karimsab Erekippi**. The deceased **Sri.Anvarsab Karimsab Erekippi** died as on 01.10.1971 at the house. Due to oversight, inadvertence, confusion and ignorance of Law and the fact of reporting date of death was not known to the petitioners and their family



members, the date of death of petitioners were not registered by the TMC, Byadgi and same is not intentional. Further, after due verification of records, the respondent issued endorsement i.e. Non-availability Certificate. Further, the petitioners requires death certificate for the purpose of Change of Khata. Hence, the petitioners prayed to allow the petition.

3. After filing of the petition, notices of the same were given to the respondent and also paper publication was issued calling upon the public at large, all concerned to appear and contest the matter by filing objections if any. The said notice has been duly served upon the respondent. He has not appeared. Further there was no any objection filled by the public at large who are all concerned. Thereafter, the petitioner No.1 in order to establish his claim got examined himself as P.W.1.

4. Heard arguments.

5. The following points arise for consideration of this court :



1. Whether the petitioners have made out grounds for allowing the present petition?

2. What Order?

6. The findings to the above Points of this court are as under:

POINT NO.1 : In the Affirmative.

POINT NO.2 : As per final order for the following: -

REASONS

7. POINT NO.1:- The petitioner No.1 in this case got examined himself as P.W.1 by reiterating the contents of the petition and in proof of the same, he got marked Ex.P.1 to Ex.P.3.

8. Ex.P-1 is the Non-Availability Certificate. Ex.P-2 and Ex.P-3 are the Paper Publications.

9. I have perused the oral and documentary evidence available on record. It appears that, the father of the



petitioners by name **Sri.Anvarsab Karimsab Erekuppi** died as on 01.10.1971 was not registered in the death register maintained by the respondent. Further, the petitioners have produced the Daily Newspapers as per Ex.P-2 and Ex.P-3 respectively. But nobody has appeared.

10. The notice was served on the respondent, but he has not filed objection. Further it is to be noted that, inspite of issuance of notice, public at large who are concerned, did not appear before this court and none of the public at large challenged the case of the petitioners. The petition averments and the evidence of P.W.1 remained unchallenged by the respondent and others. Hence, there are no reasons to disbelieve the case of the petitioners. Further the death of deceased **Sri.Anvarsab Karimsab Erekuppi** is not disputed by the respondent. In the normal course the death certificate for the purpose of Change of Khata. Hence, this court answered **Point No.1 in the Affirmative.**

11. POINT NO.2: - In view of the above discussion, this



court proceeds to pass the following:

ORDER

The Petition filed by the Petitioners U/Sec.13 (3) of Registration of Birth and Death Act is hereby allowed.

The respondent is directed to enter the date of death of father of the petitioners by name **Sri.Anvarsab Karimsab Erekippi** died as on 01.10.1971 at Byadgi village of Byadgi Taluk in the Death Register maintained by him and issue Death Certificate after collecting the necessary fees.

(Dictated to the Stenographer directly on computer, after typed by her, corrected and then pronounced by me in the open court on this the 06th day of **March - 2026**).

(Suresh Wagganavar)
Civil Judge & JMFC,
Byadgi.



ANNEXURE

List of the Witnesses examined on behalf of Petitioners:

P.W.1 : Peermahamad S/o Anvarsab Erekuppi.

List of the Documents marked on behalf of Petitioners:

Ex.P-1 : Non-Availability Certificate.

Ex.P-2 & 3 : Paper publications.

List of the Witnesses examined on behalf of Respondent:

--Nil--

List of the Documents marked on behalf of Respondent:

--Nil--

**Sd/-
(Suresh Wagganavar)
Civil Judge & JMFC,
Byadgi.**