



**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C. AT
SAVANUR**

PRESENT: SRI. SRINIVASA S.N.

B.A., L.L.M.,

**Civil Judge & J.M.F.C.,
Savanur.**

Crl.Misc./338/2026

Dated this the 15th day of June, 2026

- PETITIONERS:**
1. Abdulgani S/o Abdulrajaksab @
Rajaksab Momin
Age : 34 years, Occ: Coolie work
R/o: Hirebendigeri village,
Tq: Shiggaon, Dist.: Haveri
 2. Sikandar S/o Abdulrajaksab Urf
Rajaksab Momin
Age : 33 years, Occ: Coolie work
R/o: Karadagi village,
Tq: Savanur, Dist.: Haveri
 3. Smt. Malan W/o Khalandar Teerth
Age : 39 years, Occ: Household
R/o: Hirebendigeri village,
Tq: Shiggaon, Dist.: Haveri
 4. Smt. Fatima W/o Nisarahammad Ballari
Age : 27 years, Occ: Household
R/o: Khadriya Nagar, Savanur,
Tq: Savanur, Dist.: Haveri

[By Sri S.P.Basarikatti, Advocate]

V/S

RESPONDENT: The Registrar of Births and Deaths,
Represented by the Tahsildar, Savanur,
Tq : Savanur, Dist : Haveri.

[Ex-parte]

O R D E R

The Petitioners have filed this petition under Section 13(3) of Registration of Births and Deaths Act, 1969 seeking a direction to



the respondent to register the date of death of deceased by name Sharafun W/o Rajaksab @ Abdulrajaksab Momin who was died on 15-05-2015 in the Respondent's Registry and to issue death Certificate.

2. Background facts in a nutshell are as under:

The petitioner's mother by name Sharafun W/o Rajaksab @ Abdulrajaksab Momin was died on 15-05-2015 at her residence in Karadagi village of Savanur Taluk. Petitioners are in need of death certificate of the deceased in order to get legal heirship certificate. The petitioners had submitted an application to the concerned authority requesting issuance of her death certificate. Upon verification and search of the records, the authority issued an endorsement on 09-02-2020 stating that no death record exists pertaining to the said deceased. Hence this petition.

3. In spite of service of summons, the respondent did not appear before the court, as such the respondent was placed ex-parte in the petition and posted the case for Petitioners' evidence.

4. The Petitioner No.1 examined himself as PW.1 and got marked Ex.P.1 to 5. None were appeared and examined on behalf of Respondents.

5. Heard the arguments of Petitioners side.

6. Upon hearing arguments and on perusal of materials placed on records, following points arises for consideration.

POINTS

1. Whether the Petitioners have made out grounds for allowing the Petition?



2. What Order?

7. My findings to the above points are as under:

Point No. 1 : In the Affirmative.

Point No. 2 : As per final order for the following:

REASONS

8. **POINT NO.1:** In order to prove the case, petitioner No.1 examined himself as PW.1 and produced Ex.P.1 to 5. Ex.P.1 is the endorsement issued by the respondent on 09-02-2026 stating that no death record exists. Ex.P.2 is the RTC extract. Ex.P.3 and P.4 are the paper publications. Ex.P.5 is the attested Aadhaar card of the 1st petitioner.

9. PW.1/Abdulgani S/o Abdulrajaksab @ Rajaksab Momin has reiterated the same averments as made in the petition and prays to allow the petition.

Further, on the other hand, The respondent has not filed any objection or not produced any documents to show that petitioner has filed false petition.

Therefore, there are no reasons to disbelieve the evidence given by petitioners. However, the object of the registration of death's Act 1969 is to give legal status to the registration of birth and death's by judicial machinery. A legal duty is cast upon the persons specified in section to give information of the register of birth and deaths. Section 13 says that the procedure of delay registration of births and deaths. In case of non registration within one year of the occurrence of birth or death, the registration could take place. Sec.13(3) only on an order made by the Magistrate after verifying the correctness of birth and death. Regarding the entry of death is concerned the petitioner has to furnish the



details as direction issued by the **Hon'ble High Court of Karnataka in the decision of Smt.Muniyamma Vs. Devegowda** which is **reported in ILR 2013 KAR 4703**, the relevant which reads as under:-

“17. Therefore, the applicant has to state atleast the following particulars in the application filed under section 13(3) of the Act for entering the date of death:

- (i) The reasons/grounds as to why entry in the death register could not be made earlier and why he could not give information regarding the same to the competent authority.
- (ii) The purpose for which he wants entry in the death register.
- (iii) Wife and children of the deceased have to be made parties in the application as also the Jurisdictional Registrar of Births and Deaths.
- (iv) The particulars of the person/persons, who are likely to be affected by the entry in the death register.
- (v) The Magistrate can also direct the applicant to furnish such other particulars as he may deem fit and proper in the circumstances of the case.”

In view of the above decision, it is clear that the petitioners have sincerely made efforts to prove their contention. Petitioners are in need of death certificate of the deceased in order to obtain Legal heirship Certificate. The testimony of PW.1 remains unchallenged and the documents Ex.P.1 to 5 are also remain unchallenged. Therefore, there are no materials to disbelieve the contents of petition and testimony of PW.1. Therefore I am of the view that the petitioners are certainly entitled to a direction from



the court as prayed for in the Petition. Accordingly, I answer the ***point No.1 in the Affirmative.***

10. POINT NO.2:- For the foregoing reasons, I proceed to pass the following;

ORDER

Petition filed Under Section 13(3) of Registration of Births and Deaths Act, 1969 by the petitioners is hereby allowed.

Respondent is hereby directed to make an entry in respect of death of deceased by name Sharafun W/o Rajaksab @ Abdulrajaksab Momin (ಶರಫುನ ಕೋಂ. ರಜಾಕಸಾಬ @ ಅಬ್ದುಲರಜಾಕಸಾಬ ಮೋಮಿನ) who was died on 15-05-2015 at Karadagi village of Savanur Taluk in the concerned records and to issue death certificate of deceased to the petitioners after collecting necessary fees.

No order as to cost.

(Dictated to Stenographer directly on computer, corrected by me and then pronounced in the open court this 15th day of June, 2026).

(SRINIVASA. S.N)
Civil Judge & J.M.F.C.,
Savanur.

ANNEXURES

WITNESSES EXAMINED ON BEHALF OF PETITIONERS:

PW.1 : Abdulgani S/o Abdulrajaksab @ Rajaksab Momin

DOCUMENTS EXHIBITED ON BEHALF OF PETITIONERS:

Ex.P.1 : Endorsement issued by the respondent
Ex.P.2 : RTC extract
Ex.P.3 & 4 : Paper publications
Ex.P.5 : Attested Aadhaar card of the petitioner No.1

**WITNESSES EXAMINED ON BEHALF OF RESPONDENT:**

-NIL-

DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT:

-NIL-

**(SRINIVASA. S.N)
Civil Judge & J.M.F.C.,
Savanur.**