

KAKB220100362025



**IN THE COURT OF THE ADDL. CIVIL JUDGE AND J.M.F.C., AT :
ALAND**

Dated this 26th day of March 2026

Miss. Suman Chitargi,
B.Com., L.L.M.,
C/c Addl. Civil Judge and JMFC, Aland
Cri.Misc.No.3638/2025

Petitioners :

Sahebi W/o Gudusab Maindargi,
Age: 52 years, Occ: Agri & Household,
R/o Kinniabbas, Tq.Aland, Dist. Kalaburagi.

[Rep. By Shri. B.V. Patil, Adv.]

V/s.

Respondent :

1. The Registrar of Birth and Death through the Tahasildar, Aland, Tq: Aland, Dist: Kalaburagi.
2. Bhashasab S/o Gudusab Maindargi, Age: 25Years Occ: Agri.
3. Saifanasab S/o Gudusab Maindargi, Age:22 years, Occ: Agri,
4. Maiboobsab S/o Gudusab Maindargi, Age: 20Years, Occ: Agri,
R 2 to 4 are R/o Kinniabbas, Tq: Aland, Dis: Kalaburagi.

[Respondent No. 1 to 3 – Absent]

ORDER

This is Petition U/sec.13(3) of the Registration of Births and Deaths Act, 1969.

2. **The case of the petitioner in brief is as under:**

The petitioner is the permanent resident of Kinniabbas, The Brother-in-law of the petitioner Khadeer S/o Bhashasab Maindargi expired on 20-08-2009 at Kinniabbas, Tq: Aland, Dist. Kalaburagi. Due to oversight the said event was not registered in the register of Births and Deaths maintained by Respondent. Now petitioner needs the death certificate of her Brother-in-law of or obtaining for Family Pedigree Vanshavali, Mutation and legal necessity. She filed application before the Respondent to issue death certificate to endorsement stating the non-entry of her Brother-in-law's death in the concerned register. Hence, this petition.

3. Notice of the Petition was served to the Respondent. But Respondent remained absent. Hence, she placed ex.parte.

4. The petitioner took proclamation by publishing the notice in the daily news paper in Kalaburagi Vani Kannada daily vernacular dated 04-02-2026 and Illiya Jana Kannada daily vernacular dated 04-02-2026 and calling upon intending Respondent/objectors, who had any objection. None appeared.

5. The petitioner in order to prove her case she has examined herself as PW-1. She produced documents which are marked as Ex.P1 to P4.

6. Heard the learned counsel for the Petitioners. Perused the materials on records.

7. On the basis of the assertions of the Petitioners, the following points arise for consideration:

1. Whether the petitioner has made out grounds to allow the petition as prayed for ?

2. What order?

8. My answer to the above said points are as under:

Point No.1 : In the Affirmative.

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

REASONS

9. **Point no.1:-** PW1 has filed affidavit in lieu of chief examination and deposed in line with the petition averments. He produced documents marked at Ex.P1 to P4. Ex.P1 is the non-availability certificate issued by Respondent. Ex.P2 is the Aadhar Card, Ex.P3 is the Kalaburagi Vani kannada Daily News Paper and Ex.P4 is the Illiya Jana Kannada Daily News Paper. The above said documents corroborate the testimony of PW-1 about her Brother-in-law's date of death and its non-entry in the concern register. Thus, she has discharged the initial burden placed on her.

10. In spite of service of notice to the Respondent, they have not appeared and contested the claim of PW-1. Hence, the say of PW-1 has gone unchallenged. Even otherwise the oral and documentary evidence produced by the Petitioners proves the date of death of his Brother-in-law and its non-registration in the concerned register. No reason is made out to disbelieve the assertion of PW-1 made oath. Hence, a direction is necessary to be issued to the Respondent to register the date of death of Brother-in-law of the petitioner in the concerned register or else he will be put to great hardship. Accordingly, **Point No.1 is answered in the Affirmative.**

11. **Point no.2** : - In view of the above discussion, I proceed to pass the following:

ORDER

The petition filed U/sec 13 (3) of the Registration of Birth and Death Act, is hereby allowed.

The Respondent No.1 is directed to enter the particulars of death of Brother-in-law of the petitioner Khadeer S/o Bhashasab Maindargi expired on 20-08-2009 at Kinniabbas, Tq: Aland, Dist. Kalaburagi in the concerned records and issue Death Certificate to the Petitioners after collecting prescribed fees.

It is clarified that this order shall not be conclusive proof regarding date of death of Brother-in-law of the petitioner Khadeer S/o Bhashasab Maindargi expired on 20-08-2009 at Kinniabbas, Tq: Aland, Dist. Kalaburagi, if it is disputed in any Civil or Criminal proceedings.

No order as to costs.

(Dictated to the Typist directly on computer, typed by her, corrected by me, then pronounced by me in the open court this the 26th day of March 2026).

(Suman Chitargi)
C/c Addl. Civil Judge and JMFC,
Aland.

: ANNEXURE:

Witnesses examined for the Petitioner:

PW-1 : Sahebi W/o Gudusab Maindargi

Witnesses examined for the Respondent:

- Nil-

Documents marked for the Petitioner:

Ex.P.1 : Non-Availability Certificate

Ex.P.2 : Adhar Card

Ex.P.3 : Kalaburagi Vani Kannada Daily News Paper

Ex.P.4 : Illiya Jana Kannada Daily News Paper.

Documents marked for the respondent:

- Nil-

(Suman Chitargi)
C/c Addl. Civil Judge and JMFC,
Aland

(Order pronounced in the open court vide separate order)

ORDER

The petition filed U/sec 13 (3) of the Registration of Birth and Death Act, is hereby allowed.

The Respondent No.1 is directed to enter the particulars of death of Brother-in-law of the petitioner Khadeer S/o Bhashasab Maindargi expired on 20-08-2009 at Kinniabbas, Tq: Aland, Dist. Kalaburagi in the concerned records and issue Death Certificate to the Petitioners after collecting prescribed fees.

It is clarified that this order shall not be conclusive proof regarding date of death of Brother-in-law of the petitioner Khadeer S/o Bhashasab Maindargi expired on 20-08-2009 at Kinniabbas, Tq: Aland, Dist. Kalaburagi, if it is disputed in any Civil or Criminal proceedings.

No order as to costs.

**C/c Addl. Civil Judge and JMFC,
Aland**