



:

**IN THE COURT OF THE CIVIL JUDGE AND JMFC,
AT AFZALPUR.**

~:Present :~

Sri. ANIL AMATE,
B.A., LL.B (Hon's)
Civil Judge & JMFC,
Afzalpur.

Criminal.Misc.No.1364/2025

Dated this the 06th day of July-2026.

PETITIONERS:

1. *Hirabai W/o Late Shivaji Yadav,
Age: 52 years, Occ: Household,
R/o Gudur village, Tq: Afzalpur,
Dist: Kalaburagi.*
2. *Prajawal S/o Late Shivaji Yadav,
Age:28 years, Occ: Auto Driver,
R/o Gudur village, Tq: Afzalpur,
Dist: Kalaburagi.*

(By Sri. M.S. Patil Advocate)

V/s

RESPONDENT:

1. The Registrar of Birth and Death
Tahasildar Afzalpur.

(Ex-parte)



ORDER ON MAIN PETITION

1. This is a petition filed by the petitioners under Section 13 (3) of Registration of Birth and Death Act, 1969 praying to issue direction to the respondent to register the date of death of husband of petitioner No.1 and father of petitioner No.2 & 3 in the Register of Death.

2. It is averred in the petition that, the husband of petitioner No.1 and father of petitioner No.2 died on **20.09.2005** The respondent has not registered the date of the death though it has been intimated to register and the same has been remained unentered. It is further averred that the petitioners being in need of the death certificate approached to the office of respondent. The respondent having found no any entry of the event of death, has issued a non-availability certificate. Hence, the petitioners have filed this petition seeking directions against the respondent for entering date of death of husband of petitioner No.1 and father of petitioner No.2.

3. The notice to the respondent and citation for the publication has been issued as per the direction of the



Hon'ble High court of Karnataka. In-spite of service of notice the respondent has remained absent.

4. In support of the petition the petitioner got examined as PW1 and got marked Ex.P1 to 5 and closed her side.

5. Heard the arguments of counsel for the petitioners.

6. The point that arise for my consideration are:

- 1) Whether the petitioners are entitled for the directions as prayed for in the petition?
- 2) What order?

7. My answer to the above points:

Point No 1	:	In the Affirmative
Point No 2	:	As per final order for the following:

-/REASONS/-

8. POINT NO.1: It is the case of the husband of petitioner No.1 and father of petitioner No.2 by name ***Late. Shivaji S/o Vithal, was died on 20.09.2005 at Gudur village, Tq: Afzalpur Dist. Kalaburagi.*** Due to the ignorance of the respondent the same has been remained



unentered. It is further averred that the petitioners being in need of the death certificate for producing before the concerned authority, had approached to the office of respondent seeking to provide the same. The respondent having not found any entry of the event of death of the petitioner No.1 husband and petitioner No.2 father, has issued a non-availability certificate and the said certificate is got marked at Ex.P1.

9. The petitioner who was orally examined as PW-1. The documentary and the oral evidence as produced by the petitioners is found believable. Also, the evidence of PW-1 has remained unchallenged without undergoing the test of cross examination. In the present case the publication has been issued in daily news paper at Ex.P-3 and 4 publishing the summons calling the public at large to appear before the court who have got interest in the present petition, as guided by the **Hon'ble High Court of Karnataka in the case of Smt. Muniyappa and others V/s Devegowda and others reported in 2013(4) KCCR 3493.** In pursuance of the same no body have appeared before the court to resist the petition or to dispute the death of the deceased person. If this petition



is allowed neither any prejudice nor any injustice will be caused to anybody. Per contra the rejection of the petition will cause hardship to the petitioners.

10. It is pertinent to note that, in the case of **Devamma V/s. Registrar, Births and Deaths, Mysore reported in AIR 2004 Karnataka 221** - Our Hon'ble High Court has observed that - the correctness or otherwise of the date of birth concerned is totally irrelevant in the proceedings under Section 13(3) of the Registration of Births and Deaths Act 1969 and it is only the fact of birth that is relevant. Therefore in view of the facts and the circumstance of the case and the observations made by the Hon'ble High Court, I answer the point No.1 in the **AFFIRMATIVE.**

11. POINT NO 2 : In view of my above discussion, I pass the following:

-/O R D E R/-

The petition filed under Section 13 (3) of Registration of Birth and Death Act, 1969 is allowed.

The Respondent is directed to register the date of death of husband of petitioner No.1 and father of



petitioner No.2 by name **Late. Shivaji S/o Vithal Yadav,**
was died on 20.09.2005 at Gudur village, Tq: Afzalpur
Dist. Kalaburagi. in the concerned records after collecting
the necessary fees.

(Dictated to the stenographer, typed by him, corrected and revised by me
and then pronounced in the open court on this day of 06th day of July-2026)

(ANIL AMATE
Civil Judge and JMFC
Afzalpur

ANNEXURE

WITNESSES EXAMINED ON BEHALF OF PETITIONER:

PW.1 Smt. Smt. Hirabai W/o Late Shivaji Yadav

LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONER:

Ex.P.1 : Non availability certificate
Ex.P.2 : Family pedigree
Ex.P.3 & 4 : Two paper publications
Ex.P.5 : Aadhar card of petitioner No.1

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT.

-Nil-



LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT.

-Nil-

Civil Judge & J.M.F.C.,
Afzalpur.

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