



IN THE COURT OF CIVIL JUDGE AND J.M.F.C., SEDAM

PRESENT: Sri. Balu
B.A., LL.B.,
Civil Judge & JMFC, Sedam.

Dated this the 06th day of March-2026.

Criminal Misc.No.876 of 2025

PETITIONER:

Sumitrabai W/o Late. Hanamanth Huncheri
Age: 56years, Occ: Coolie
R/o Malkhed (J) ,
Tq: Sedam, Dist: Kalaburagi.

(By Sri.S.R.H., Advocate)

//Vs.//

RESPONDENT :

1. The Tahasildar Sedam, Tq: Sedam and register of birth and death
2. All concerned

:O R D E R S:

The petitioner has filed this petition U/Sec.13(3) of Registration of Birth and Deaths Act, 1969 seeking an order direction to the respondent to make entry in regard to death of her husband who has died on 18-08-1987 at petitioner's house at village Malkhed (J) , in Sedam Taluka.

2. Brief facts of petitioner case:-

The petitioner is resident of Malkhed (J), in Sedam taluka. Her husband by name Hanamanth Huncheri S/o Sabanna Huncheri has expired on 18-08-1987 at petitioner house at village Malkhed(J), in Sedam Taluka. Due to bonafide mistake the said death event of



petitioner husband has not entered in the death register of respondent. Now the death certificate of petitioner husband is required for the purpose of Mutation and Government benefits and other purpose. Therefore, petitioner has requested the respondent to issue death certificate. But after due enquiry the respondent has given non availability certificate to the petitioner. Therefore, this petition is filed.

3. After institution of this petition notice is issued to the respondent, reported as served, remained absent. After institution of petition the notice by way of publishing citation in the news paper has been issued. No one is appeared to contest the matter.

4. In order to prove her case petitioner herself examined as PW.1 and got marked Ex.P.1 to 4 documents.

5. Heard arguments of Learned Advocate for petitioner.

6. Perused the materials of this petition.

7. The point that arise for the consideration of this court is as here under:-

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

2. What order?

8. My answer to the point No.1 is in the Affirmative and for point No.2 as per final order for the following:-

:R E A S O N S:

9. This is a petition filed by the petitioner seeking order to the effect that her husband was expired on 18-08-1987 and same is required for entry in the concerned death register of respondent. PW.1



has stated that her husband by name Hanamanth Huncheri S/o Sabanna Huncheri has expired on 18-08-1987 at petitioner's house at village Malkhed(J) in Sedam Taluka. It is admitted fact that the death event of said Hanamanth Huncheri S/o Sabanna Huncheri was not entered in the death register of respondent. Ex.P.1 is the Non-availability certificate which discloses the same fact. However, this being the criminal misc. petition for entry of date of death of a deceased person, and in case of any litigation in respect of death date of Hanamanth Huncheri S/o Sabanna Huncheri or on his properties or relationship with said deceased then petitioner shall bound to prove the same in civil court. The petitioner in her evidence has stated about the death event of her husband. Petitioner has also produced the Notarized copy of Aadhar card which is compared with the original and returned the original to the petitioner at the time of evidence and the copy of Aadhar card is marked as Ex.P.2, RTC of Sy. No. 330/7 which is marked as Ex.P.3, Paper Citation in the Yadagiri Express news paper is marked as Ex.P.4. Ex.P.4 is the document which discloses that the death event of petitioner husband has made available for the general public who all are concerned about it. But after issuance of citations as per Ex.P.4 no one is appeared to contest the matter. Therefore the fact in regard to death of Hanamanth Huncheri S/o Sabanna Huncheri and his funeral remained unchallenged. The respondent authority is a proper authority to make entry of every Birth and Death in the concerned register maintained by them. The petitioner herself has stated in her evidence that due to bonafide mistake the date of death of her husband was not entered due to unavoidable circumstances. As to meet ends of justice it is required to order to enter the date of death of petitioner husband by collecting necessary late fees as provided by law.

Therefore, as required by law it is just and necessary to obtain



death certificate of deceased in order to get Mutation and Government benefits and other purpose. Therefore, in the opinion of this court the petitioner has made out ground to allow the petition. Therefore, Point No.1 is answered in the **Affirmative**.

10. Point No.2:- For the reasons stated herein above I proceed to pass the following:-

:ORDER:

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

*The respondent office is hereby directed to make entry in regard to death of petitioner husband by name **Hanamanth Huncheri S/o Sabanna Huncheri** resident of **Malkhed(J)** in Sedam taluka who has expired on **18-08-1987 at petitioner's house at village Malkhed(J)** in Sedam Taluka after collecting necessary late fees if any from petitioner.*

*However, in case of any litigation in respect of date of death of **Hanamanth Huncheri S/o Sabanna Huncheri** or on his properties or relationship, petitioner shall bound to prove the same in the civil court.*

Looking to the facts and circumstances of the petition no order as to costs.

(Directly dictated to the Stenographer on computer script, Computerized by her, corrected and then pronounced by me in the open court on this the 06th day of March-2026)

Sd/-
(Balu)
C.J. & JMFC, Sedam.



ANNEXURE

List of witnesses examined on behalf of Petitioner:

PW.1 : Sumitrabai W/o Late Hanamanth Huncheri

List of exhibits marked on behalf of Petitioner:

Ex.P.1 : Non Availability certificate issued by
the Tahasildar Sedam.
Ex.P.2 : Notarized copy of Aadhar card
Ex.P.3 : RTC of Sy.No.330/7
Ex.P.4 : Paper Citation in the Yadagiri Express newspaper

List of witnesses examined on behalf of Respondent:

- N I L -

List of witnesses and exhibits marked on behalf of Respondent:

-N I L-

Sd/-
(Balu)
C.J. & JMFC, Sedam.
