



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 26th day of March-2026.

Criminal Misc.No.2434 of 2025

PETITIONER:

Siddappa S/o Late Sabanna
Age: 50 years, Occ: Agriculture
R/o Bhimanagar Huda (B)
Tq: Sedam

(By Sri. H.M.M., Advocate)

//Vs.//

RESPONDENT :

- 1.The Tahasildar Sedam, Tq: Sedam
and register of Birth and Death Tahasildar Sedam
Tq: Sedam.
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 his father who has died on 04-04-2005 at petitioner's house at village Bhimanagar Huda (B) in Sedam Taluka.

2. Brief facts of petitioner case:-

The petitioner is resident of village Bhimanagar Huda (B) in Sedam taluka. His father by name Sabanna S/o Mailari has expired on 04-04-2005 at petitioner's house at village Bhimanagar Huda (B) in Sedam



taluka. Due to bonafide mistake the said death event of petitioner's father has not entered in the death register of respondent. Now the death certificate of petitioner's father is required for the purpose of records and other Government benefits 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 his case petitioner himself examined as PW.1 and got marked Ex.P.1 to 5 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 his father was expired on 04-04-2005 and same is required



for entry in the concerned death register of respondent. PW.1 has stated that his father by name Sabanna S/o Mailari has expired on 04-04-2005 at petitioner's house at village Bhimanagar Huda (B), Sedam taluka. It is admitted fact that the death event of said Sabanna S/o Mailari 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 Sabanna S/o Mailari or on his properties or relationship with said deceased then petitioner shall bound to prove the same in civil court. The petitioner in his evidence has stated about the death event of his father. Petitioner has also produced the Anganawadi death certificate which is marked as Ex.P.2, Notarized copies of voter ID card and aadhar card are compared with the original and returned the original to the petitioner at the time of evidence and the copies are marked as Ex.P.3 and 4, Ex.P.5 is the document which discloses that the death event of petitioner father has made available for the general public who all are concerned about it. But after issuance of citations as per Ex.P.5 no one is appeared to contest the matter. Therefore the fact in regard to death of Sabanna S/o Mailari 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 himself has stated in his evidence that due to bonafide mistake the date of death of his father 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 father 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 records and other Government benefits 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 father by name **Sabanna S/o Mailari** resident of **village Bhimanagar Huda (B)** in Sedam taluka who has expired on **04-04-2005** at petitioner's house at **village Bhimanagar Huda (B)** 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 **Sabanna S/o Mailari** 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 26th day of March-2026)

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



ANNEXURE

List of witnesses examined on behalf of Petitioner:

PW.1 : Siddappa S/o Late Sabanna

List of exhibits marked on behalf of Petitioner:

Ex.P.1 : Non Availability certificate issued by
the Tahasildar Sedam.

Ex.P.2 : Anganawadi death certificate

Ex.P.3 &4 : Notarized copies of Voter ID card and Aadhar card

Ex.P.5 : Paper citation in 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.
