



IN THE COURT OF ADDL. CIVIL JUDGE & J.M.F.C. SHAHABAD
AT: SHAHABAD

Present : Sri. Chatni Prashant Sharanbasaveshwar
B.A., LL.B.(HONS),LLM
Civil Judge & JMFC., Shahabad

Cril.Misc.No.109/2026

Dated this 25th day of May- 2026

BETWEEN :

Smt. Rajashree W/o Santosh,
Age: 43 years, Occ: Coolie,
R/o: Konchur village,
Tq:Chittapur, Dist: Kalaburagi.

..... Petitioner

(By Sri. D.C.Kulkundikar, Adv.,)

AND:

1. The Registrar, Birth & Death
Tahsildar, Shahabad.
2. All Concerned.

(Absent)

:O R D E R:

The petitioners have filed this petition U/Sec.13(3) of Registration of Births and Deaths Act 1969, seeking direction to the respondents to register the death of her mother-in-law by name Smt. Mahadevi W/o Mallappa



2. The case of the petitioner in brief are as under;

Petitioner is the permanent resident of Konchur village of Chittapur. The deceased Smt. Mahadevi W/o Mallappa. is the mother-in-law of the petitioner and she died on 10-11-2017 at Konchur village of Chittapur. Petitioner did not report the death of her mother-in-law to the respondents, there are no ill intentions of not reporting the death of deceased Smt. Mahadevi W/o Mallappa. Now the death certificate is very much essential for the purpose of obtaining the Government facilities. The application was sent to the respondent by the petitioner, for furnishing the death certificate of Smt. Mahadevi W/o Mallappa, but respondent returned it with endorsement dated: 30-09-2025 that the death of the deceased is not registered in the concerned office. Hence the petitioner is constrained to file this petition.

3. In response to petition notice issued by the petitioner the respondents have not appeared and they are placed absent.



4. The Petitioner is examined himself as PW-1 and got marked 8 document as Ex.P.1 to Ex.P.8.

5. Heard the arguments and perused the materials available on record.

6. The following points that arises for my consideration:

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

2. What order?

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

1. In Affirmative.

2. As per final order for the following....

: R E A S O N S :

8. **POINT NO.1:-** The petitioner appeared before this court and examined as PW-1 and she stated that her mother-in-law died on 10-11-2017 at Konchur village of Chittapur. The death is not reported to the respondents and death certificate is not furnished. Now the death certificate is very much essential for the purpose of availing the Government facilities, hence this petition.



Ex.P.3 and 4 are the paper publication taken regarding the institution of the petition in Kannada News paper Kannada Prabha and Nrupatunga. No one has come before the Court to protest the petition so as to dispute the relationship of the petitioner with deceased, date of deceased etc. Ex.P.1 is the application moved to the respondent for furnishing the death certificate, Ex.P.2 is the non availability certificate issued by the respondent, Ex.P.2(a) is the signature, Ex.P.5 is the Voter I.D card of the deceased Mahadevi, Ex.P.6 is the Ration card pertaining to the deceased Mahadevi, Ex.P.7 is the Death Certificate one Santosh who is the husband of the petitioner and son of the deceased Mahadevi and Ex.P.8 is the Death certificate of one Mallappa who is the husband of the deceased Mahadevi. If the date of birth/death of any person was not registered in the concerned register of appropriate authority for any reasons. It cannot be denied in getting them registered in the concerned register. Hence, in the opinion of this court it is held that if the application is allowed no injustice or hardship will be caused to the respondents.

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9. On the other hand respondents have not appeared before this court and contested the matter. The evidence of the PW-1 remains unchallenged and undisputed. As per Ex.P.3 and 4 public notices were given in two news papers regarding institution of petition but none appeared and protested the institution of petition, the Ex.P.1 to 8 are the documents which establishes the relationship of the petitioner with the deceased, the petitioner is constrained to file this petition for obtaining the death certificate of her mother-in-law. Further the relationship of the deceased with the petitioner is mentioned in the publication taken in two news papers none have appeared and disputed the relationship of the petitioner with the deceased. Therefore in the interest of justice it is necessary to allow the petition otherwise it would result in more hardship to the petitioner rather than the respondent. Hence this court proceeds to allow the petition and accordingly this court answers Point No.1 in the **Affirmative.**



10. **POINT NO.2:-** In the view of foregoing observation made I proceed to pass the following :

:O R D E R:

The petition filed by the petitioner U/sec. 13(3) of the Registration of Births and Death's Act 1969 is hereby allowed.

In the result the respondent No.1 is hereby directed to register the death of **Smt. Mahadevi W/o Mallappa..** who expired on **10-11-2017** at **Konchur village of Chittapur.** in the concerned death register subject to payment of fees and fines if any payable to the respondent No.1.

However, this order is not conclusive proof of exact date of death of the deceased person.

(Dictated to the Stenographer directly on the computer, script revised, corrected, signed by me and then pronounced in the open court on this 25th day of May -2026)

(Chatni Prashant Sharanbasaveshwar)
Civil Judge & JMFC.,
Shahabad

:A N N E X U R E:

List of witnesses examined on behalf of petitioner:-

PW.1 : Smt. Rajashree W/o Santosh

**List of documents marked on behalf of petitioner:-**

- Ex.P.1 : Application moved for furnishing the death certificate
- Ex.P.2 : Non Availability Certificate
- Ex.P.2(a) : Signature
- Ex.P.3and4: Public notice taken in Kannada Newspaper
Kannada Prabha and Nrupatunga.
- Ex.P.5 : Voter I.D of the deceased Mahadevi
- Ex.P.6 : Ration card of the deceased Mahadevi
- Ex.P.7 : Death Certificate of one Santosh
- Ex.P.8 : Death certificate of one Mallappa

List of witnesses and documents marked for respondent:-

- NIL -

Civil Judge & JMFC.,
Shahabad