

KABG900019962022



IN THE COURT OF THE CIVIL JUDGE & JMFC MUDALAGI.

Present:

**Smt. Jyothi Patil., B.A.,LLM.,
Civil Judge and J.M.F.C. Mudalagi.**

Dated: This the 03rd day of March, 2023

Crl. Misc. No. 268/2022

PETITIONERS:

1. Sri. Suresh Laxman Gondali,
Age about 44 years, Occ:
Agriculture, R/o: Naganur,
Tq: Mudalagi, Dist: Belagavi.
2. Smt. Kamala Devendra Ingle
Age about 51 years, Occ:
Household, R/o: Veliyam Batta,
Tiswadi Goa, Panaji, North Goa.
3. Smt. Mallamma Gopal Ingle,
Age about 49 years, Occ:
Household, R/o: Veliyam Batta,
Tiswadi Goa, Panaji, North Goa.

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

V/s

RESPONDENT:

1. The Chief Officer, Pattan Panchayat
Naganur, Registrar of Births and
Deaths Mudalagi, Tq: Mudalagi.

(Ex-parte)

**ORDER ON PETITION FILED U/Sec. 13 (3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT 1969.**

This petition is filed by the petitioners U/sec.13 (3) of the Karnataka Births and Deaths Registration Act 1969. It has been averred in the petition that, Petitioners mother by name **Smt. Yallavva Laxman Gondali** was died on **22.05.2021** at Naganur Tal: Mudalagi.

2. **Brief facts:** That, the petitioners have not aware of law he has not entered the death date of husband of Petitioners mother by name **Smt. Yallavva Laxman Gondali** in the concerned records of the respondent. That, the non furnishing of information of death of deceased to the respondent is not intentional one. Hence, there is no entry of death date of deceased in the concerned records. When the petitioners have applied for deceased death certificate, the respondent had issued non-availability certificate stating that, there is no such entry in the concerned register. The petitioners are required the death certificate of husband of Petitioners mother for the purpose of Varasa Certificate, hence this petition.

3. In spite of service of notice, the respondent remained absent and hence the respondent is placed Ex-parte

4. The petitioner No.1 herself examined as PW.1 and got marked documents at Ex.P-1 to Ex.P-4 marked.

5. Heard the arguments. Perused the records.

6. The point that would arise for my consideration is:

***Whether the prayer made in
the petition can be granted?***

7. I answer the above point in **Affirmative** for the following;

REASONS

8. It is the case of petitioners that, Petitioners mother by name **Smt. Yallavva Laxman Gondali** was died on **22.05.2021** at Naganur Tal: Mudalagi and the petitioners are not aware of law they have not entered the date of death of deceased in the concerned records. When, the petitioners approached the respondent and sought for issuing the death certificate of deceased **Smt. Yallavva Laxman Gondali** for which the respondent authority has given non-availability certificate as per Ex.P-1, stating that there is no entry in the register of death in respect of deceased by name **Smt. Yallavva Laxman Gondali**. Hence, the petitioners approached the Court, as he need the death certificate for the purpose of Varasa Certificate.

9. The petitioner No.1 examined himself as PW-1 and in his evidence he reiterated the facts stated in the petition. In addition PW-1 in his evidence has produced and got marked non-availability certificate i.e., Ex.P-1, Notarized copy of Genealogical tree i.e., Ex.P-2, Hasirukranti news paper publication i.e., Ex.P-3, Udayakala news paper publication i.e., Ex.P-4, are the news paper publications by which filing of present petition brought to the notice of entire public. But,

despite of such publication to general public interested, neither the other family members nor any persons appeared before the Court to oppose or to contest the relief claimed by the petitioners.

10. The deceased was died on **22.05.2021** at Naganur, Tal: Mudalagi. The petitioners are not aware of legal consequences, hence, he have not entered the date of death of deceased in the respondent Office. On perusal of the entire case records, it reveals that, neither the respondent nor any other persons including the family members of the petitioners appeared and opposed or contested the relief claimed by the petitioners and also there is no rebuttal evidence placed by the respondent to disbelieve the story of the petitioners. On perusal of Ex.P-1 and evidence, I am satisfied that there is no entry of death date of deceased in the respondent Office. Further, the petitioners have taken paper publications in view of guidelines of our Hon'ble High Court of Karnataka. Further, it is settled principle that, the order of this Court bind respondent only. Hence, on perusal of documentary evidence, I am satisfied as to the fact that the Petitioners mother by name **Smt. Yallavva Laxman Gondali** was died on **22.05.2021** at Naganur, Tal: Mudalagi and death date is not informed to the respondent Office and it is necessary to direct the respondent to issue the death Certificate of deceased **Smt. Yallavva Laxman Gondali**. However, this inference is not the conclusive proof of relationship or death if the death is disputed in any civil or

criminal proceedings. In the light of these discussions, I answer the Point No.1 in the affirmative and proceed to pass the following;

ORDER

The petition filed by the petitioners under Section 13 (3) of Registration of Births and Deaths Act, is hereby allowed.

The respondent is directed to enter the factum of death of deceased **Smt. Yallavva Laxman Gondali** was died on **22.05.2021** at Naganur, Tal: Mudalagi, Dist: Belagavi on payment of requisite penalty.

(Directly dictated to the Typist on Computer and typed by her, corrected and then pronounced by me in open court on this the 03rd day of March, 2023.)

Sd/-

(SMT. JYOTHI PATIL)
Civil Judge & JMFC Mudalagi

ANNEXURE

List of witness examined on behalf of petitioners:

PW.1 : Suresh Laxman Gondali

List of documents marked on behalf of petitioners:

- Ex.P.1 : Non-availability Certificate
- Ex.P.2 : Notarized copy of Genealogical tree
- Ex.P.3 : Hasirukranti News paper publication
- Ex.P.4 : Udayakala News paper publication

List of witnesses & documents on behalf or respondents:

– NIL –

Sd/-
(SMT. JYOTHI PATIL)
Civil Judge & JMFC Mudalagi

ORDER

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