

KAMS310036962025

Crl.Misc./810/2025

IN THE COURT OF PRL. CIVIL JUDGE AND JMFC.,
AT: HUNSUR

:PRESENT:

SMT.AYISHABI.P.MAJID., B.A., L.L.B.,
Prl. Civil Judge & JMFC,
Hunsur.

Dated this the 01st day of April, 2026

Crl.Misc.No.810/2025

<u>Petitioners :-</u>	<p>1. Vittal Rao Kharade R. S/o Raja Rao Kharade Aged about 74 years.</p> <p>2. Mahadeva Rao S/o Late. Raja Rao Kharade Aged about 63 years.</p> <p>3. Shantha Shindhe D/o Late. Raja Rao Kharade, Aged about 61 years.</p> <p>4. Govinda Rao Kharade R. S/o Late. Raja Rao Kharade, Aged about 55 years. All are residing at Rathnapuri Village, Kasaba Hobli, Hunsur Taluk MysuruTaluk. (Represented by Sri. V.R.B., – Adv)</p>
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V/s	
<u>Respondent:-</u>	The Tahashildar, Registrar of Birth and Death, Hunsur Taluk, Hunsur. (Absent)

ORDERS

The present petition is filed by the Petitioners U/Sec.13(3) of The Registration of Births and Deaths Act, 1969.

2. The Petitioners have prayed for issuance of direction to the respondent to register the death event of Narayanarao Kharade S/o Govinda Rao Kharade, who died on 30.04.1950 at Rathnapuri Village, Kasaba Hobli, Hunsur Taluk, Mysuru District.
3. In spite of service of notice, the Respondent remained absent before the Court and as such his objection was considered as nil. The matter was posted for enquiry of the Petitioners.
4. In order to substantiate their case, the Petitioner No.2 got himself examined as P.W.1 and got marked the documents at Ex.P.1 to Ex.P.8. Thereafter, the Petitioners closed evidence on their side.
5. Heard the arguments advanced by the learned counsel for the Petitioners. Perused materials on record.
6. The points that arise for the consideration of the court are:

P O I N T S

1. Point No.1: Whether Petitioners made out grounds under section 13(3) of Birth and Death registration Act to seek for direction to the Respondent for entering the date of death of Narayanarao Kharade S/o Govinda Rao Kharade in the concerned register?

2. What order?

7. On consideration of the materials placed on record, this court answers the aforesaid points as hereunder:

Point No.1: In the *Affirmative*

Point No.2: As per final order for the following:

R E A S O N S

8. **Point No.1:** As aforesaid the Petitioner No.2 got himself examined as P.W.1 and reiterated the petition averments in his examination-in-chief. He has further deposed that, Narayanarao Kharade S/o Govinda Rao Kharade is no more. P.W.1 has specifically deposed that, his uncle died on 30.04.1950 at Rathnapuri Village, Kasaba Hobli, Hunsur Taluk, Mysuru District. Further he has deposed that, death certificate is required for the purposes of change of khata and other legal purposes.

9. The Petitioner No.2 in support of his case has relied upon Ex.P.1 which is the Notarized copy of the Genealogical tree, Ex.P.2 is the non-availability certificate issued by the office of the respondent, Ex.P.3 to 6 are the

Notarized copies of the Aadhar Cards of Petitioners, Ex.P.7 and Ex.P.8 are the Paper Publications.

10. As stated supra, the Respondents have remained absent before the court. The evidence of P.W.1 has thus remained unchallenged and unrebutted. Ex.P.2 which is non-availability certificate clearly goes to show that the death event of Narayanarao Kharade S/o Govinda Rao Kharade is unregistered. Ex.P.7 and Ex.P.8 goes to show that, the date of death of Narayanarao Kharade S/o Govinda Rao Kharade is not disputed by any other person. Now after applying for the death certificate with Respondent, the Respondent has pleaded his inability to furnish the death extract on the ground that the death of Narayanarao Kharade S/o Govinda Rao Kharade was not entered in the concerned register. Therefore, if the relief sought by the Petitioners is declined, they will be put to hardship. Apart from this, there is nothing on record to disbelieve the evidence lead by the Petitioner No.5. Under these circumstances, this Court has no other alternative than to accept the evidence of P.W.1. Accordingly, this Court answers **Point No.1 in the Affirmative.**

11. **Point No.2:** In the light of foregoing discussions, this court proceeds to pass the following:

ORDER

The petition filed U/s 13(3) of The Registration of Births and Deaths Act, 1969 is hereby *allowed*.

The respondent is hereby directed to make proper entry in respect of date of death of Narayanarao Kharade S/o Govinda Rao Kharade as 30.04.1950 at Rathnapuri Village, Kasaba Hobli, Hunsur Taluk, Mysuru District.

The Respondent shall collect the prescribed fee from the Petitioners.

No order as to cost.

(Dictated directly to the Stenographer on computer, typed by her, corrected, signed and then pronounced by me in the open court this 01st day of April, 2026)

(AYISHABI.P.MAJID)
Prl. Civil Judge & JMFC.,
Hunsur.

ANNEXURES

1. List of witness examined on behalf of Petitioners:

P.W.1 : Mahadevarao Kharade

2. List of documents examined on behalf of Petitioners:

Ex.P.1 : Notarized copy of the Genealogical tree

Ex.P.2 : Non-availability Certificate

Ex.P.3 to 6 : Notarized copy of the Aadhar Card of Petitioners

Ex.P.7 & 8 : Paper Publications.

3. List of witness examined on behalf of Respondent:

- N I L -

4. List of documents examined on behalf of Respondent:

- N I L -

**Prl. Civil Judge & JMFC.,
Hunsur.**