

MHNS240017502022

**ORDER BELOW EXH.1 IN Cri. M. A. NO. 358/2022**

1. This is an application under Section 13(3) of the Registration of Births & Deaths Act, 1969 for direction to the Satana Nagar Parishad, Satana, Tal. Baglan, Dist.Nashik for registration of date of death of **Sumanbai @ Ukhubai Baliram Sonawane** - applicant's mother in the concerned register.

2. According to applicant, his mother was died on 13.01.2020 at Mouje Satana, Tal- Baglan. However, no entry of her death was taken in the Satana Nagar Parishad, Satana, record till date. Such entry was not taken as applicant's family was illiterate and ignorant about rules in that regard. When he went for demanding death certificate to Satana Nagar Parishad, Satana, it issued non-availability certificate. Therefore, applicant prayed for issuing directions in this regard.

3. The respondent has given written certificate (Exh. 3/1) stating therein that entry regarding death of **Sumanbai @ Ukhubai Baliram Sonawane** has not taken in the record of Satana Nagar Parishad, Satana. The respondent has filed his say at (Exh.9) and submitted that there is no entry regarding death of **Sumanbai @ Ukhubai Baliram Sonawane** in the Satana Nagar Parishad, Satana record.

4. In view of ratio of Hon'ble Gujrat Court in **Karimabibi W/o Gulam Mohammad Mustufa Karodiawad and Others v. Ankleshwar Municipality and Others, AIR 1998 Guj. 42,** of Hon'ble Orissa High Court in **Sk. Rahimuddin Vs. Ojifa Bibi and Others, AIR 1989 Ori. 56** and of Hon'ble Karnataka High Court in **Smt. Muniyamma, C. Sandeep Babu Vs.**

Devegowda, The Tahsildar, 2014 (1) Kar.L.J. 714 public notice was issued in Daily newspaper namely 'Gavkari' dtd. 02.11.2022 inviting objections in this proceeding. However, no objection has been received till date nor anybody has appeared in this case consequent to such publication.

5. Perused application, affidavit of applicant (Exh.4), affidavit of evidence of the applicant (Exh.10) and evidence of witness namely Govind Tulshiram Maind (Exh.11). Non- availability Certificate (Exh.3/1) issued by Satana Nagar Parishad, Satana, Tal. Baglan, Dist. Nashik. Heard the Ld. Adv. Shri. C.N. Ahire for applicant.

6. The evidence adduced by the applicant (Exh.10) and evidence of witness namely Govind Tulshiram Maind (Exh.11) are clearly in consonance with the application as to the fact of death, place of death, date of death, etc. of applicant's mother. The applicant has attributed such absence of entry as his family was illiterate and ignorant about rules in that regard which he has reiterated in his affidavit of evidence.

7. The non-availability certificate (Exh.3/1) corroborate the applicant's contention that no entry regarding death of applicant's mother is taken in concerned register.

8. As per the provisions of the Registration of Births & Deaths Act, 1969 such entry is required to be made. Undoubtedly, present application is made after long delay of the death of **Sumanbai @ Ukhubai Baliram Sonawane**. However, it is submitted by the Ld. Adv. Shri. C.N. Ahire for the applicant that as the family of the applicant was ignorant and illiterate about rules in that regard, there appears *prima-facie* substance in it. As mentioned earlier, the evidence adduced by the applicant & reasons given by him have remained unchallenged, as no one has disputed the fact of death, place of death, date of death as well as reason for delay in making this application till date, despite publication in that regard in the daily 'Gavkari' newspaper. Thus, the evidence adduced

by applicant justify the delay in making present application. Thus, he is entitled to get directions for registration of date of death of his mother, in view of Section 8 of the Registration of Births & Deaths Act, 1969.

9. As per the mandate of the Registration of Births & Deaths Act, 1969, registration of birth and death is necessary. The applicant has shown satisfactory reason for non-registration of death of his mother. Obviously, he will face difficulties in the future, if such registration of death of his mother is refused. There is hardly any reason to refuse and any hesitation in allowing this application. Hence, following order is passed :-

ORDER

1. The application is allowed.
2. The Satana Nagar Parishad, Satana, Tal-Baglan shall take entry about death of **Sumanbai @ Ukhubai Baliram Sonawane** as on **13.01.2020** at Mouje Satana in their death register.
3. The applicant shall pay prescribed fee for late registration of death.

(Dictated and pronounced in open Court)

Date – 23.12.2022.

(A. G. Tamboli)
Judicial Magistrate First Class,
Court No. 2, Satana.