

KASM200005292026



IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C.
AT HOSANAGARA

PRESENT: Maruti R Shindhe, (B.A, LL. B)
Prl. Civil Judge and J.M.F.C.,
Hosanagara.

Dated this the 04th day of June 2026

CRL. MISC. No.16/2026

- PETITIONERS** : 1 Smt. Zaibunnisa W/o Late Abdul Azeez,
Aged about 45 years,
Occupation: Housewife,
- : 2 Sri.Rahil S/o Late Abdul Azeez,
Aged about 27 years,
Occupation: Coolie,
- 3 Sri.Irfan S/o Late Abdul Azeez,
Aged about 23 years,
Occupation: Coolie,
- 4 Sri.Mohammed Shahil
S/o Late Abdul Azeez,
Aged about 21 years,
Occupation: Coolie,

All are R/at Jayanagara,
Ramachandrapura village,
Melinabesige Post,
Hosanagara Taluk

(By Sri.A.J.Karnakumar., Advocate)

// VERSUS //

RESPONDENT

Tahashildar
Hosanagara Taluk,
Hosanagara.
Shivamogga District

(Placed Ex-Parte)

ORDER

This is petition filed by the petitioners seeking directions to the respondent to enter the date of death of husband of petitioner No.1 and father of the petitioner No.2 to 3 by namely Sri.Abdul Azeez S/o Kasim Sab who was expired on 23.05.2024 at their house, Muttur village, Kasaba Hobli, Hosanagara Taluk in the death register maintained by them.

2. Brief facts of the petition averments are that, the date of death of husband of petitioner No.1, and father of the petitioner No.2 to 3 by namely Sri.Abdul Azeez S/o Kasim Sab who was expired on 23.05.2024 at their house situated at Muttur village, Kasaba Hobli, Hosanagara Taluk. The fourth petitioner has orally intimated to the respondent date of the death of husband of petitioner No.1 and father of the petitioner No.2 to 3 by namely Sri.Abdul Azeez S/o Kasim Sab. But, the respondent on 13.02.2026 has issued the acknowledgment in respect of the same. The death certificate of deceased Sri.Abdul Azeez S/o Kasim Sab is required for the Genealogical tree. Therefore, present application.

3. Perused the order sheet dated 15.04.2026. It indicates that after service of notice respondent placed Ex-parte. The order sheet dated 15.04.2026 it further indicates that the petitioners filed memo of two news paper publications. It indicates that the parer publications Hosadigantha and Echharike daily Kannada Newspapers for inviting objection from the public.

4. In order to prove their claim, the fourth petitioner examined as PW-1 and produced the documents and same are got marked as Ex.P.1 to Ex.P.4 and closed their side evidence.

5. Heard the arguments. On the basis of the above, the following points arise for my consideration.

1. Point No. 1: Whether petitioners prove that, the death of husband of petitioner No.1, and father of the petitioner No.2 to 3 by namely Sri.Abdul Azeez S/o Kasim Sab was expired on 23.05.2024 at their house situated at Mutturu village, Kasaba Hobli, Hosanagara Taluk and they are entitled for direction to the respondent to register the same in the register as sought for?

2. Point No. 2: What order?

6. My answer to the above points in the affirmative for the reason mentioned infra.

REASONS

7. **POINT NO.1:** The Petitioners are seeking direction to the respondent to register the death of husband of petitioner No.1 and father of the petitioner No.2 to 3. In order to prove their claim, the fourth petitioner examined as PW-1 and he reiterated the petition averments of the petitioners. Apart from his oral evidence he has produced the non-availability certificate as Ex.P.3 is the affidavit in the form of genealogical tree, Ex.P.4 which is disclosing that, the death event of Sri.Abdul Azeez S/o Kasim Sab is not entered in the register maintained by the respondent. Ex.P.1 and Ex.P2 are papers publications.

8. The petitioners in order to call for any objection for the concerned person about the death event of Sri.Abdul Azeez S/o Kasim Sab who was expired on 23.05.2024 at their house situated at Muttur village, Kasaba Hobli, Hosanagara Taluk taken the two paper publications vide Ex.P1 and Ex.P2.

9. On perusal of entire oral and the documentary evidence placed by the third petitioner Ex.P.3 is the Non-availability certificate. It clearly indicates the respondent has not entered the date of death deceased Sri.Abdul Azeez S/o Kasim Sab. The evidence placed by the petitioners remained unchallenged by the respondent who has been placed exparte. Hence, this court has no hesitation to believe the

evidence placed by the petitioners and on the basis of the evidence of the petitioners it clearly shows that, death of husband of petitioner No.1 and father of the petitioner No.2 to 3 by namely Sri.Abdul Azeez S/o Kasim Sab was died on 23.05.2024. Hence, I answer Point No. 1 in the Affirmative.

10. **POINT No.2:-** In view of the reasons stated above, I proceed to pass the following:

ORDER

The petition filed U/s. 13(3) of the Births and Deaths Act, 1969 is hereby allowed. The respondent is hereby directed to register the date of death of husband of petitioner No.1 and father of the petitioner No.2 to 3 by namely Sri.Abdul Azeez S/o Kasim Sab who was expired on 23.05.2024 at their house, Muttur village, Kasaba Hobli, Hosanagara Taluk in their register by collecting late fee and penalty if any.

(Computerized to my dictation by the stenographer, printout then revised, corrected, signed and then pronounced in the Open Court on this the 04th day of June 2026)

(Maruti R. Shindhe)
Prl. Civil Judge and J.M.F.C.,
Hosanagara

ANNEXURE

[I] Number of Witnesses examined for petitioners:

01. P.W.1 : Sri.Mohammed Shahil

[II] Number of witnesses examined for defence:

- NIL -

[III] List of documents exhibited for the petitioners:

Ex.P.1	:	Hosadigantha Kannda News paper
Ex.P.2	:	Echharike Kannda News paper
Ex.P.3	:	Non-availability Certificate
Ex.P.4	:	Genealogy tree

[IV] List of documents exhibited for the defence:

- NIL -

(Maruti R. Shindhe)
Prl.Civil Judge and J.M.F.C.,
Hosanagara.