



/1/

Cri.M.A. No. 39/2022.
CNR: MHSI05-000138-2022

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
VENGURLA, DIST. SINDHUDURG.**

(Presided over by K.K.Patil)

Shri. Satchidanand Purushottam Sakhardande,
Age- 40 yrs, Occupation- Service,
R/O- Prabhodankar Thakare, Near Swimming Pool,
603, Devangni Co.Op-Housing Soc. M.G.Road,
Extention, Vile Parle- (E.)
Mumbai- 400057. -----Applicant

Vs.

B.D.O.,
Panchayat Samiti, Vengurla,
Tal. Vengurla, Dist. Sindhudurg. ----- Non-Applicant.

ORDER BELOW EXH. 1
(Declared on 13.05.2022)

This is an application filed by the applicant under section 13(3) of the Registration of Birth and Death Act, 1969. It is the contention of the applicant that, the death of his Father's Aunt namely; Aanandibai wife of Janardan Purushottam Pandit (Before marriage Aanadibai Shantaram Sakhardande) is on 21/07/2005, but it is not recorded with the non-applicant; B.D.O. Panchayat Samiti, Vengurla Tal.Vengurla, Dist. Sindhudurg. Hence, he prayed for giving directions to the non-applicant for taking entry in respect of death of his Father's Aunt.

2. Pursuant to the said application notice was issued to non-applicant; B.D.O. Panchayat Samiti, Vengurla, Tal. Vengurla, Dist. Sindhudurg. Non applicant not appeared.

3. Heard Ld. Advocate Smt. P.V.Naik for applicant and perused the entire record. To substantiate the contention, applicant has examined himself at Exh. 09 and reiterated the contentions raised in application at Exh.1. It is specific contention of applicant that, his Father's Aunt namely; Aanandibai wife of Janardan Purushottam Pandit is died on 21/07/2005, at village-

Ubhadanda, Namaswadi, Tal. Vengurla. Applicant has also filed certificate for non-availability of death registration of deceased Aanandibai wife of Janardan Purushottam Pandit issued by B.D.O. Panchayat Samiti, Vengurla, at Exh. 5, wherein, it is stated that, till date, there is no entry as regards to death of Aanandibai Janardan Purushottam Pandit in the office record of Panchayat Samiti, Vengurla. As per the claim of the applicant, direction was given to issue paper publication. Accordingly, matter was published in Daily News paper "Dainik Sakal" dated 05/04/2022 which is at Exh. 8, but till date no one appear and raised objection against the claim of applicant. Similarly, applicant also filed on record an affidavit of witness namely Ramkrishna Mangesh Wagale, Age- 71 yrs. r/o. Ubhadanda- Namaswadi, Tal. Vengurla, Dist. Sindhudurg- at Exh.10. In his affidavit he stated on oath that, he knew the applicant and his Father's deceased Aunt- Aanandibai wife of Janardan Purushottam Pandit being familier to applicant's family. He further stated that, applicant's Father's Aunt- Aanandibai W/o Janardan Purushottam Pandit was died on 21/07/2005 at Village- Ubhadanda-Namaswadi, Tal. Vengurla. Her funeral ceremonies are carried out in his presence within the limits of village- Ubhadanda-Namaswadi. Considering the unchallenged testimony of applicant, documents on record and submissions of Ld. Advocate for applicant, I don't have any hurdle to accept the contention of applicant in respect of date of death of his Father's Aunt. By leading oral and documentary evidence, applicant has proved that he is entitled to get record the date of death of his Father's Aunt as per Birth and Death Registration Act, 1969. Hence, I proceed to pass following order.

OPERATIVE ORDER

1. The application is allowed.
2. B.D.O., Panchayat Samiti, Vengurla, Tal. Vengurla, Dist. Sindhudurg. Tal.Vengurla, Dist. Sindhudurg, is hereby directed to effect the entry of death of late **Aanandibai Janardan W/o Purushottam Pandit (Before marriage Aanadibai Shantaram Sakhardande)** as **21/07/2005** in the death register maintained in the office after receiving late fee, if necessary and by observing all the rules.
3. Inform accordingly to the non-applicant immediately for taking effective steps.

Vengurla.
Date- 13/05/2022.

(K.K.Patil)
Judicial Magistrate First Class, Vengurla.