

IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC., COURT

RON

Present: **Sri. Sachin H.R. B.A., LL.B.,**
Addl. Civil Judge & JMFC.,
court, RON

Dated this the 26th DAY of AUGUST-2019

Crl. Mis. No. 183/2019

Petitioner:-

P-1) Mallikarjuna S/o. Gurulingappa Navalagund
Age: 55 Yrs, Occ: Agriculturist R/o. Belavanaki
Tq: Ron Dist: Gadag

(By Sri. S.S.H. Advocate)

-Vs.-

Respondent:-

The Chief Registrar of
Birth and Death, and.
The Dept. Tahasildar, Holeaalur Tq: RON .
(ex-parte)

ORDER

The petitioner has filed this petition u/Section 13(3) of Birth and Death Registration Act 1969 requesting this court to direct the respondent to make an entry of the date of death of his mother by name **Guravva W/o. Gurulingappa Navalagund** (ಗುರವ್ವ ನವಲಿಗುಂದ) in the Birth and Death Register maintained by the respondent.

2. The averments of the Petition in brief are as follows.

That the mother of the petitioner by name Smt. **Guravva W/o. Gurulingappa Navalagund** (ಗುರವ್ವ ನವಲಿಗುಂದ) expired on **05-08-1996** at Belavanaki village, Tq: **Ron**. That when the petitioner applied for the copy of the Death Certificate of his mother the respondent issued the non-availability certificate stating that the death of the mother of the


26/8

petitioner has not been entered in the Register of Birth and Death maintained by the respondent. Hence this petition.

3. After registration of the petition notice was issued to the respondent and duly served to the respondent. In spite of service of notice, respondent did not appear before this court as such *objection was taken as not filed and case was* posted for petitioner's evidence. The petitioner has examined himself as P.W.1 and got marked documents as Ex.P.1 to Ex.P.5. The Cross-examination of P.W.1 was taken as nil.

4. Heard arguments and perused records.

5. The points that arise for the consideration of this court ;

1) Does the mother of petitioner by name Smt. **Guravva W/o. Gurulingappa Navalagund** expired on **05-08-1996** ?

2) What Order?

6. The answer of this court to above said points are as under:

Point:1 In the affirmative.

Point:2 As per final Order for the following.

REASONS

7. **Point No.1-** petitioner got examined himself as PW1 and in his affidavit he has re-narrated the averments of the petition. According to the petitioner his mother by name Smt. **Guravva W/o. Gurulingappa Navalagund** expired on **05-08-1996** at Belavanaki village Tq: Ron and when he applied for the Death Certificate of his mother the respondent issued non-availability certificate stating that the date of death of his mother has not been entered in the Register maintained by the


26/8

respondent. The non-availability certificate issued by the respondent is marked as Ex.P.1, Ex.P.2 & Ex.P.3 are the Paper publications. Ex.P.4 is notarized Adhar Card, Ex.P.5 notarized copy of genealogy of the petitioner's family.

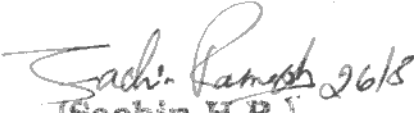
3. The respondent remained absent and the contention of the petitioner has not at all challenged. The evidence of the petitioner has not been controverted by respondent. Without material to the contrary it is not proper on the part of this court to disbelieve the statement made on oath. Therefore the contentions of the petitioner is his hereby accepted and the above point is answered in the affirmative. Accordingly, I proceed to pass the following;

ORDER

Petition filed by petitioner is his hereby allowed.

Respondent is his hereby directed to enter the date of death of the mother of the petitioner by name **Smt. Guravva W/o. Gurulingappa Navalagund** (ಗುರವ್ವ ನವಲಗುಂದ) as on **05-08-1996** in their register after collecting late fee.

(Typed by Typist, corrected, signed and then pronounced by me in open court on 26th day of AUGUST-2019.)


(Sachin H.R.)
ADDL.Civil Judge & JMFC.,
Court RON.

: ANNEXURE:

I: Witnesses examined on behalf of petitioner:-

P.W.1- Mallikarjuna S/o. Gurulingappa Navalagund

II: Witnesses examined on behalf of respondent:-

-Nil-

III: Documents marked on behalf of petitioner:-

Ex.P.1- Non-availability certificate.

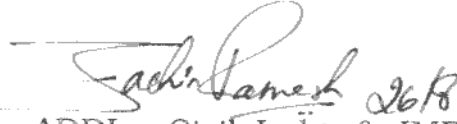
Ex.P.2 & 3 Are the Paper publications.

Ex.P.4 Notarized Adhar Card,

Ex.P.5 Notarized copy of genealogy of the petitioner's family

IV: Documents marked on behalf of respondent:-

- Nil-


ADDL. , Civil Judge & JMFC.,
Court, RON .