

**IN THE COURT OF ADDITIONAL CIVIL JUDGE AND J.M.F.C AT
RON**

**Present: Sri Sachin H.R.,
B.A.LL.B.,
Addl Civil Judge & J.M.F.C. Ron**

Dated this the 4th day of January, 2020

Crl.MISC.,398/2019

- PETITIONERS:**
1. Shivappa S/o Ningappa Neeralagi,
Age:35 years, Occ:Coolie,
R/o Holealur, Tq:Ron, Dist:Gadag.
 2. Eravva @ Paravva W/o Parappa Meti,
Age:50 years, Occ:Household,
R/o Karapura, Tq:Kustagi, Dist:Koppal.
 3. Savantravva W/o Basappa Umachagi,
Age:48 years, Occ:Household,
R/o Bheemanagouda Tq:Hunagund,
Dist:Bagalkot.
 4. Renavva W/o Yallappa Malagitti
Age:50 years, Occ:Household,
R/o Shyadlageri, Tq:Kustagi, Dist:Koppal
 5. Ningappa S/o Sharanappa Neeralagi,
Age:55 years, Occ:Coolie,
R/o Hole Alur, Tq:Ron.

(By Sri R.K.Bogar, Advocate)

-V/S-

RESPONDENT: The Registrar of Births and Deaths,
represented by The Dy.Tahasildar, Nada
Karyalaya, Hole-Alur, Tq:Ron, Dist:Gadag.


4/1

(Exparte)

ORDERS

This is the petition filed by the petitioners U/Sec.13(3) of The Births and Deaths Registration Act.

The averments of the petition is as under:

2. The mother-in-law of petitioner No.1 and sister of petitioner No.2 to 5 of the petitioners by name Rathnavva D/o Sharanappa Neeralagi expired on 22/05/1995 at Hole Alur village of Ron Taluk. Due to ignorance, the petitioner's family members have not intimated the date of death of their mother-in-law of petitioner No.1 and sister of petitioner No.2 to 5 to the concerned authority and obtain death certificate. That now, the petitioners require the death certificate of their mother-in-law of petitioner No.1 and sister of petitioner No.2 to 5 to obtain change of katha of their mother-in-law of petitioner No.1 and sister of petitioner No.2 to 5, they have filed application before the respondent and the respondent office has issued non-availability certificate. Hence, this application.

3. In spite of receipt of notice, the respondent did not appear before this Court. Hence, respondent placed ex-parte.

4. Heard arguments of learned counsel for the petitioners and perused the materials available on record.

5. The following points arise for the consideration of this Court:

POINT No.1: Whether the petitioners have made out sufficient grounds to allow this petition?

POINT No.2: What order?

6. The answers of this Court to the above said points are as under:

POINT No.1: In the Affirmative;

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

REASONS

POINT No.1:

7. That one Rathnavva D/o Sharanappa Neeralagi resident of Hole Alur village of Ron Taluk, Gadag District is the mother-in-law of petitioner No.1 and sister of petitioner No.2 to 5 of the petitioners, who died on 22/05/1995. But, the said fact is not registered in the respondent office. The petitioner No.1 on his behalf and also on behalf of other petitioners has examined


4/1

himself as P.W.1 and got marked ten documents as Ex.P.1 to Ex.P.10. Ex.P.1 is the non-availability certificate, which discloses that the date of death of his mother-in-law of petitioner No.1 and sister of petitioner No.2 to 5 is not registered in the register maintained by the respondent. Ex.P.2 and Ex.P.3 are the paper publications. Ex.P.4 to 8 are the notarized copy of Aadhar Cards, Ex.P.9 is the property extract and Ex.P.10 is the affidavit of genealogical tree of the petitioner's family, which discloses that the deceased Rathnavva is the mother-in-law of petitioner No.1 and sister of petitioner No.2 to 5 of the petitioners. In spite of receipt of notice, respondent did not appear before the Court. Evidence of petitioner is not challenged by the respondent. Evidence of petitioners is corroborated by the documentary evidence. Hence, there is no reason to disbelieve the evidence of petitioners. Hence, this Court is of the opinion that the petitioners have made out grounds to allow this petition and accordingly, **this Court answers point No.1 in the Affirmative.**

POINT No.2:

8. In the result, this Court proceeds to pass the following:

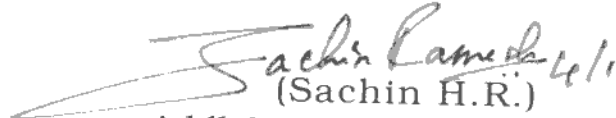
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4/11

ORDER

Petition filed U/Sec.13(3) of The Registration of Births and Deaths Act is hereby allowed.

The respondent is hereby directed to enter the date of death of **Rathnavva D/o Sharanappa Neeralagi** (ರತ್ನವ್ವ ತಂದೆ ಶರಣಪ್ಪ ನೀರಲಗಿ), resident of **Hole Alur village, Ron Taluk, Gadag District as on 22/05/1995**, in the registers after collecting late fee and issue death certificate, accordingly.

(Dictated to the Stenographer, directly on computer, corrected by me and then pronounced in the Open Court on this the 4th day of January, 2020)


(Sachin H.R.)

Addl.Civil Judge & JMFC., Ron.

ANNEXURE**List of witnesses examined on behalf of petitioners:**

P.W.1 Shivappa N.Neeralagi

List of documents exhibited on behalf of petitioners:

Ex.P.1	Non Availability Certificate
Ex.P.2 and 3	Paper Publications
Ex.P.4 to 8	Notarized Aadhar Cards


4/1

Ex.P.9 Property Extract

Ex.P.10 Notarized Affidavit of Genealogical Tree

List of witnesses examined on behalf of respondent:

-NIL-

List of documents exhibited on behalf of respondent:

- NIL -


Addl.Civil Judge & JMFC., Ron.