

IN THE COURT OF THE CIVIL JUDGE & J.M.F.C.,

GUDIBANDE

PRESENT

**Sri HARISHA.K.M., B.A., LL.B.,
Civil Judge & JMFC., Gudibande**

Dated this the 29th day of May 2023

Crl. Misc.No.832/2022

Petitioner/s: 1. Smt.Bibijan
W/o. Late Basha, 60 years
2. Sri.Sadiq
S/o. Late Basha, 40 years
3. Sri.Ibrahim
S/o. Late Basha, 32 years
4. Smt.Shanaji begum
D/o. Late Basha, 30 years
5. Smt.Parveen
D/o. Late Basha, 28 years
All are R/at.Gotlagunte village,
Nagaragere Hobli, Gowribidanur taluk

(By Sri.T.G.G., Advocate)

Vs.

Respondent/s: The Registrar of Births & Deaths/
The Tahasildar, Gowribidanur taluk

EXPARTE

ORDER

The petitioners have filed this petition against respondent under Section 13(3) of Registration of Births and Deaths Act 1969 for directing the respondent to enter

the date of death of Bhasha S/o. Mabushabu, who died on 10/12/2010 at Gotlagunte village, Nagaragere Hobli, Gowribidanur taluk and issue death certificate accordingly.

2. The notice has been issued to the respondent. In spite of service of the same, the respondent remained absent and hence he has been placed exparte.

3. After filing of this petition, order was passed for publishing the petition in newspaper and accordingly it was published in widely circulated newspaper, namely "Hosa Digantha" & "Palar Pathrike", but in spite of due circulation, no objectors appeared before this court.

4. In order to prove this petition, the petitioner No.2 got examined as P.W.1 by way of filing of affidavit and got marked 6 documents at Ex.P1 to 6 and closed his side.

5. Heard the arguments.

6. On the basis of the materials placed on record, the points that would arise for my consideration are;

1. Whether the petition filed by the petitioners is deserves to be allowed?
2. What order?

7. My answer to the above points are as under:

Point No.1 - In the Affirmative

Point No.2 - As per final order for the
following;

R E A S O N S

8. Point No.1:- The petitioners have filed this petition for directing the respondent to register the date of death of Bhasha S/o. Mabushabu, who died on 10/12/2010 at Gotlagunte village, Nagaragere Hobli, Gowribidanur taluk and issue death certificate in this regard.

9. It is the case of the petitioners that, husband of 1st petitioner and father of petitioners No.2 to 5 by name Bhasha S/o. Mabushabu, who died on 10/12/2010 at Gotlagunte village, Nagaragere Hobli, Gowribidanur taluk. Due to lack of legal knowledge, the same has not been intimated to the respondent by the petitioners. Now, the petitioners is required the death certificate of Bhasha for change of khatha of the property and to obtain other benefits. Hence, the petitioners have applied for death certificate of Bhasha before the respondent office. As respondent office found no entry in the concerned register and issued Non Availability Certificate dated 22/6/2022.

10. The petitioners in support of their petition, 2nd petitioner got examined as PW-1 and reiterated the contents of the petition by way of filing of affidavit and also got marked 10 documents i.e. Non-Availability-Certificate at Ex.P-1. Ex.P2 is the notarized G-Tree, Ex.P3 is the Aadhaar card, Ex.P4 is the ration card, Ex.P5 and 6 are the paper publications. As respondent remained absent and placed exparte and in the absence of material evidence of any interested parties, the testimony of PW-1 remains unchallenged. Hence, the petitioner is entitled to obtain Death Certificate of Bhasha as prayed in the petition and I answer point No.1 in the Affirmative.

11. Point No. 2:- In view of the above reasons given in the Point No.1, I proceed to pass the following;

ORDER

The Petition filed by the petitioner under Section 13(3) of Registration of Births and Deaths Act 1969 is hereby allowed.

The respondent is hereby directed to register the date of death of Bhasha S/o. Mabushabu, who died on 10/12/2010 at Gotlagunte village, Nagaragere Hobli, Gowribidanur taluk and issue death certificate accordingly after collecting necessary charges.

(Dictated to the Stenographer directly on the computer, typed by her, script revised, corrected and then pronounced by me in the Open Court on this the 29th day of May 2023)

(HARISHA K.M.)
Civil Judge & J.M.F.C.,
Gudibande

ANNEXURE

List of Witnesses examined on behalf of the Petitioner

PW-1 : Sadiq

List of Documents exhibited on behalf of the Petitioner

Ex.P1 : Non availability Certificate
Ex.P2 : G-Tree
Ex.P3 : Aadhaar card
Ex.P4 : Ration cardf
Ex.P5&6 : Paper publications

List of Witnesses examined on behalf of the Respondent
NIL

List of Documents exhibited on behalf of the Respondent
NIL

Civil Judge & JMFC
Gudibande

Orders pronounced in the Open
Court (Vide Separate)

ORDER

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Civil Judge & JMFC.,
Gudibande

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