



Amit Dhirajlal Shah

V/s.

S.M.K.C. Corporation, Sangli.

CNR-MHSN-03-00-3195-2022

ORDER BELOW EXH.1

This is an application for issuance of direction to the Registration Section, Birth and Death Department, Sangli, Miraj & Kupwad Corporation, Sangli to register death of applicants father namely Dhirajlal Lalbhai Shah, who expired on 11/02/2019.

02. The notice was issued to the S.M.K. Corporation, Sangli, to ascertain whether the death of the Dhirajlal Lalbhai Shah is registered with their records. The respondent was duly served and the summons report is filed at Exh.12. However, the respondent have not appeared in the matter. Therefore, the matter proceeded exparte against the respondent. Moreover, the public notice was issued by way of publication in a daily newspaper “Dakshin Maharashtra Kesari” and “Tarun Bharat” and dated 28/11/2022 calling objections, if any, for registration of the death of the applicant’s father. The copy of said notice in the newspaper is at **Exh.15 and Exh.16** respectively. But till today no one raised objection to the registration of death of applicants Father in law namely Dhirajlal Lalbhai Shah.

03. I have gone through Sec.13(3) of The Registration of Birth And Deaths Act, 1969. This provision of law empowers this Court to pass an order for registration of any birth or death which has not been registered within one year of its occurrence.

04. The applicant (A.W.No.1) has filed his affidavit in lieu of examination-in-chief at **Exh.09**. The A.W.No.1 has reiterated therein the contents of application on oath in his affidavit. The applicant has stated that, the Dhirajlal Lalbhai Shah was his father. The applicant further deposed that Dhirajlal Lalbhai Shah expired on 11/02/2019 due to his old age. In support the application has filed on record medical certificate and death intimation at Exh.17 and 18 respectively. The applicant has further stated that, applicant no.1 and 2 are the only legal heir of father viz. Dhirajlal Lalbhai Shah. Inadvertently the registration of death of his father remained to register with concerned authority. In support the applicant has filed on record Form No.10(B) at **Exh.19**. Perusal of aforesaid Form No.10(B) shows that the date of death of Dhirajlal Lalbhai Shah has not been registered with concerned authority. There is nothing on record to disbelieve the averment of applicants that, death of Dhirajlal Lalbhai Shah has not been registered. Hence, considering evidence of the applicant and documents filed, I find no hurdle in allowing the present application directing non-applicant to register the death of applicant's father namely Dhirajlal Lalbhai Shah who expired on 11/02/2019. In view of the above discussion, I proceed to pass following order;

O R D E R

1. Application is allowed.
2. The Birth and Death Registering Department of Sangli, Miraj & Kupwad Corporation, Sangli is hereby directed to register death of **Dhirajlal Lalbhai Shah** as **11/02/2019** after receipt of prescribed

fees as per rules.

3. Issue letter to the Births and Deaths Registration Section, Sangli, Miraj & Kupwad Corporation, Sangli. accordingly.
4. Application stands disposed off accordingly.

Sd/-

Place : Sangli.
Date : 20/03/2023.

(Ashish Mahipati Chavan)
4th Judicial Magistrate First Class,
Sangli.

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file are same, word to word, as per the original Judgment.

Name of the stenographer : P.I.Madrasi
Court : A.M. Chavan, 4th Jt.C.J.J.D. &
J.M.F.C., Sangli.
Date : 20/03/2023
Judgment signed by the : 20/03/2023
Presiding officer on
Judgment uploaded on : 21/03/2023