



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30920 of 2025

Sasmita Dash @ Panda

.... Petitioner

Mr. B.K. Mohanty, Advocate

-versus-

State of Odisha and Ors.

... Opposite Parties

Mr. D. Lenka, AGA

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

17.12.2025

Order No.

01.

Petitioner seeks a direction to the OPs for issuance of death certificate of her husband, who is alleged to have died by drowning. Petitioner was before this Court earlier in WP(C) No.16172 of 2015 disposed off on 04.08.2023 whereby, liberty was reserved to the petitioner to approach the Judicial Magistrate First Class under Section 13 of the Registration of Births & Deaths Act, 1969.

2. Counsel for the petitioner submits that once a person's whereabouts is not heard for a period of 7 years by those who ordinarily would have heard them up, there is presumption of death and therefore, a direction should be issued to the authority to grant registration of the death and issue the death certificate.

3. Learned AGA Mr. Lenka appearing for the OPs opposes the petition contending that only on the presumption arising under Section 108 of the Evidence Act, 1872, as it then was, no such direction be issued. He highlights the abuse potential of the decision of the kind if pressed into service as precedent. I



am in agreement with the suggestion made by Mr. Lenka that the persons of the kind should ordinarily approach the Civil Court for working out their grievance. Be that as it may.

4. The submission of learned counsel for the petitioner is that since his client has already made an application under Section 13 of the 1969 Act in terms of the direction of this Court in the earlier round of litigation, justice of the case would be met by directing OP No.3 to take a decision on the subject application, if it is still pending, within a period of eight (8) weeks. All contentions are kept open. Petitioner to appear before OP No.3 on 09.01.2026 along with a copy of this order and take instructions at the hands of the Tahsildar.

Now, no costs.

Web copy of order to be acted upon by all concerned.

(Dixit Krishna Shripad)
Judge

Prasant