

ORDER PASSED BELOW EXH.01 CRI.MISC.APPLN.NO.01/2018
CNR.No.MHPU25-000001-2018

01. This is an application under section 13(3) of the Maharashtra Birth-Death Registration Act 2000. It is contended by the applicant that, his great-grandfather namely Sonu Nana Thakar died on 13/01/1971 at Mouje Datkhilewadi, Tal. Junnar, Dist. Pune and due to lack of knowledge and procedure, his name was not registered with the office of Grampanchayat at Datkhilewadi. When applicant applied for his great-grandfather's death certificate to the office of Grampanchayat at Datkhilewadi, they replied that on search of registration record for the year 1971, the event relating to death of applicant's great-grandfather was not found. Applicant requires death certificate of his great-grandfather for his legal purpose. Hence, he prayed that the entry regarding the date of death of his great-grandfather namely Sonu Nana Thakar be registered at the office of Grampanchayat at Datkhilewadi.

02. Public Notice was published in Daily news paper 'Sandhya' dtd.12/01/2018. But nobody appeared before this Court and contest the matter.

03. Perused application, affidavit of applicant viz; Jaysingh Bhaguji Pardhi, at Exh.07, and witness viz; Kisan Keshav Pardhi at Exh.08, Nana Yashwant Pardhi at Exh.09 and documents placed on record. It appears that on 13/01/1971 his great-grandfather died but the event relating to his death is not found/registered in the record for the year 1971 in the office of Grampanchayat at Datkhilewadi.

04. In this regard I am guided by the judgment of Hon'ble Karnataka High Court reported in "1995 CRI.L.J.2820, B.G. Gangadharappa Vs Tahsildar, Soraba," whisein it has been observed by the Hon'ble Karnataka High Court that,

"The function to be exercised by a Magistrate Under Section 13(3), involves appreciation or shifting of evidence. In this view of the matter also the Magistrate of the first class referred to in Section 13(3) of the Act is only a Judicial Magistrate. Therefore, as per Sec.13(3) of the Act, the Magistrate of the First Class i.e. Judicial Magistrate F.C. is empowered to issue Birth / Death Registration Certificate".

Thus, by relying on the citation cited supra and the documents filed on record, application required to be allowed. Hence, I pass the following order.

Order

1	Application is allowed.
2	The concerned officer of Grampanchayat Datkhilewadi is directed to make entry about the death of applicant's great-grandfather namely Sonu Nana Thakar, dated 13/01/1971 after depositing necessary charges according to law.

Date 02.04.2018
Junnar.

(R. G. Bagade)
Judicial Magistrate F.C., Junner

CERTIFICATE

I affirm that the contents of this PDF file order are same word for word as per original Order.

Name of the Court	: R.G. Bagade, C.J.J. D. & J. M. F. C. Junnar, Dist. Pune.
Name of the Stenographer	: Anil Kashinath Mate
Date of decision	: 02-04-2018
Signed by P. O. on	: 02-04-2018
Upload on	: 02-04-2018