

COURT OF JUDICIAL MAGISTRATE 1ST CLASS PATTAN

Case File No.	Date of Institution	Date of Order	CNR No.
458/Cr. Misc.	26-07-2023	08/02/23 18-08-2023	JKBA110006272023

In the Case of:-

Mst Zainab Begum
D/o Ali Mohammad Dar
R/o Kripalpora Payeen Matipora Tehsil Singhpora
Applicant along with his counsel Adv. Tawheeda Habib present.
V/S

Registrar Births and Deaths BDO Singhpora
Nemo present on behalf of the Non-Applciant

In the matter of:- Application on behalf of applicant seeking direction upon Non-applciant for recording the death occurrence of her father namely Ali Mohammad Dar S/o Ghulam Hussain Dar R/o Kripalpora Payeen Matipora Tehsil Singhpora in the relevant registrar.

CORAM:- Altaf Hussain Khan

U.I.D No. JK00187

ORDER

1. Application in hand with the prayer that non-applciant Registrar of Births and Deaths (BDO Singhpora) be directed to register the date of Death of the father of applicant has been submitted by the applicant on the ground that her father **namely Ali Mohammad Dar S/o Ghulam Hussain Dar R/o Kripalpora Payeen Matipora Tehsil Singhpora had been expired on 01-02-2006** and due to unavoidable circumstances and lack of knowledge the applicant has not recorded the death occurrence of her deceased father before the concerned authority on due date. When she applied for registration of same she came to know that death occurrence of her father has not been recorded in relevant register.
2. On the presentation of the application this court has served notice upon the non-applciant/ Registrar of **births and deaths Singhpora**. In pursuance service supra non-

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deliberately but was only due to lack of knowledge.

applicant has submitted report-cum- non availability certificate. In the report filed Registrar births and deaths (BDO Singhpora) has submitted that as per circular No.14-DES of 2023 dated 01.06.2023 any birth or death which has not been registered within one year of its occurrence, shall be registered only on the order of Judicial Magistrate First Class, that is the reason for not recording death occurrence of deceased named above.

3. This court after going through the application, report submitted by the Registrar of births and deaths (BDO Singhpora) and other material on record has initiated enquiry in the matter. During the course of enquiry this court has summoned Village Guard of village Khanpeth along with the record for ascertaining the authenticity of date of death of the deceased named above. Copy of which has been placed on record. In pursuance to service supra Village Guard/Chokidar of Village Khanpeth namely Bashir Ahmad Malla S/o Mohd Qasim Malla R/o Khanpeth has appeared before this court along with the relevant record register and his statement stands recorded in this regard, statement deposed by Chokidar of Village Khanpeth stated that I know the applicant and she is resident of KP Payeen Matipora her father died on 01-02-2006 and regarding death he can produce records as well. Contents of the copy of memo regarding date of death and name of deceased on file is true and correct. This court has also recorded the statement of applicant. Applicant too has deposed that she is resident of KP Payeen Matipora and his father had been expired in the year 01-02-2006 due to illness and she is in need of his Death certificate. No one has submitted objections so far in pursuance to notice published in local daily by this court inviting objections from the general public in this regard
4. From the perusal of the application, report and other material placed on record, this court is satisfied that the date of death of the deceased named above has not been registered by the non-applicant Registrar of births and deaths / B.D.O Singhpora in the


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relevant register due to delay of more than one year in not getting the same registered before the non-applicant However there is nothing on record suggesting that delay on the part of the applicant in this regard was either deliberate or intentional as such application deserves to be allowed and the delay condoned.

5. With these observations application submitted is allowed and the non-applicant viz. **Registrar of births and Deaths B.D.O Singhpora** is ordered to register/ enter the death and other particulars of the deceased named above in the relevant register and to issue copy of the same to the applicant in accordance with the procedure governing the subject. Copy of this order be forwarded to the Registrar of births and deaths B.D.O Singhpora through the Nazire Tamilaat of this court for compliance forthwith. Application is accordingly disposed of same be consigned to record after due compilation.

Announced in open court

Today on 08-09-2023


Judicial Magistrate 1st Class Pattan

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