



**ORDER UNDER SECTION 13(3) OF KARNATAKA
REGISTRATION OF BIRTHS AND DEATHS ACT.**

The petitioner has filed this petition against the respondent U/Sec:13(3) of the Registration of Births and Deaths act praying to pass an order directing the respondent to issue Death Certificate of her father-in-law by name **Chikkanna S/o late Kempanna.**

2. Recently, petitioner made an application to the respondent for the issuance of death certificate of Chikkanna S/o late Kempanna. But the respondent issued non-availability certificate stating that there is no entry found regarding the date of death of Chikkanna S/o late Kempanna. As petitioner required the death certificate of Chikkanna S/o late Kempanna to get to get transfer the katha of the property and for other legal necessities, she filed this petition.

3. The notice has been issued to the respondent remained absent. Hence, respondent placed exparte. Public notice was issued in the daily newspapers calling upon the



interested persons to participate in the proceedings. But no one appeared before the court to contest the petition.

4. The petitioner examined herself as P.W.1 and got marked five documents at Ex.P.1 to 5.

5. Having heard, the following point that would arise for my consideration is as under:

Point No.1: Whether the petition filed by the petitioner U/sec. 13(3) Registration of Birth and Death Act is deserves to be allowed ?

Point No. 2: What Order?

6. 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

REASONS

7. **Point No.1 :-** It is the specific case of the petitioner that, deceased **Chikkanna S/o late Kempanna** is the father-in-law of petitioner. He died on 05.03.1990 at the residence



situated at Shambhonahalli Village, Kora Hobli, Tumakuru Taluk. But due to ignorance and illiteracy, his death date was not got registered at that time. Now, to get to get transfer the katha of the property and for other legal necessities, petitioner applied for the death certificate of **Chikkanna S/o late Kempanna** at respondent office and got issued non-availability certificate. Hence, petitioner filed this petition. On the other side, respondent remained absent and placed exparte. Petitioner examined herself as PW-1 and got marked 5 documents i.e., Non-availability certificate as Ex.P-1, PW-1's Aadhaar card copy as Ex.P-2, Genealogical tree of PW-1's family as Ex.P-3 and daily newspapers 'Vijaya Karnataka' and 'Satya Darshini' as Ex.P-4 & 5. Paper publication portions as Ex.P-4(a) and Ex.P-5(a). As the PW-1 remained unchallenged, thereby positive evidence of P.W.1 is remained undisputed.

8. Sec. 13(3) Registration of Birth and Death Act enables this court to issue direction to the respondent for making entries with regard to registration of date of death. On perusal of materials available on record, I do not find any



reason for rejecting the testimony of petitioner. Hence, I answer the above point in **Affirmative**. In the result, the following:

ORDER

Petition filed by the petitioner U/s 13(3) of the Registration of Births and Deaths Act is hereby allowed.

The respondent is hereby directed to register the date of death of '**Chikkanna S/o late Kempanna**' as **05.03.1990** at the residence situated at **Shambhonahalli village, Kora Hobli, Tumakuru Taluk** and accordingly issue the death certificate after collecting the requisite fee if any.

(Sumalatha. L)
VI Addl. Civil Judge & J.M.F.C.
Tumakuru.