

**IN THE COURT OF THE PRL. CIVIL JUDGE AND J.M.F.C.,
HOSAKOTE. AT HOSAKOTE**

PRESENT: **SRI. Basavaraj.G. Sanadi,**
B.A. LL.B(Spl).,
Prl.Civil Judge and J.M.F.C., Hosakote

CRIMINAL MISC. CASE NO.15/2022

DATED THIS 22nd DAY OF AUGUST- 2023

PETITIONER/S:- 1. Thammanna K.E.
S/o Eranna
Aged about 30 years,

2. Nagesh
S/o Eranna
Aged about 33 years

3. Byamma
W/o Eranna
Aged about 57 years

All are R/at Kammasandra village,
Sulibele Hobli,
Hosakote Taluk,
Bengaluru Rural District.

4. Mamatha
D/o Eranna
Aged about 36 years

R/at Annaveshwara Village,
Devanahalli Taluk,
Bengaluru Rural District.

(By Sri. S.K., Advocate)

-V/s-

RESPONDENT/S: The Tahasildar
Birth and Death Registrar
Hosakote Taluk,
Bengaluru Rural District.

(Exparte)

ORDERS

This is petition filed by the petitioners seeking directions to the respondent to enter the date of death of father of the petitioner No. 1, 2 and 4 and husband of petitioner No.3 by name Sri. Eranna S/o Chikka Mariyappa who has said to be expired on 05.11.2005 at Kammasandra Village of Hosakote Taluk, in the death register maintained by respondent authority.

2. Brief facts of the petition : It is specific contention of the petitioners that father of the petitioner No. 1, 2 and 4 and husband of petitioner No.3 by name Sri. Eranna S/o Chikka Mariyappa has expired on 05.11.2005 at Kammasandra Village of Hosakote Taluk. The petitioners were under the impression that, the death date has been informed to the concerned authority but now they came to know that the same has been not informed to the respondent office. Hence, it is not recorded in the register due to innocence and illiteracy.

This is not deliberate or intentional on the part of the family members of the petitioners. The petitioners are in need of death certificate of deceased for the purpose of changing the katha. However, they had applied to the respondent authority to issue the death certificate, but they issued non-availability certificate on 01.09.2021 intimating that, the date of death of Sri. Eranna S/o Chikka Mariyappa has not been recorded. Hence, the petitioner is seeking direction to the respondent to enter the date of death of Sri. Eranna S/o Chikka Mariyappa has expired on 05.11.2005 at Kammasandra Village of Hosakote Taluk., in the death register maintained by respondent authority.

3. In order to call for any objection from the concerned person about the death event of Sri. Eranna S/o Chikka Mariyappa the public notice has been issued to public through vide paper publication on 25.04.2022 in Kannada Hosadigantha and English The New Indian Express daily newspapers. But, no one has appeared to file any objection on the issue of death event of Sri. Eranna S/o Chikka Mariyappa.

4. Notice on respondent duly served, but respondent did not appear. Hence, respondent were placed exparte.

5. In order to prove his claim, the petitioner No.1 got examined himself as PW-1 and produced documents and same are got marked as Ex.P.1 to 4 and closed their side evidence.

6.Heard the arguments and perused the records.

7.On the basis of the above, the following points arise for my consideration.

Point No.1: Whether petitioners prove that, father of the petitioner No. 1, 2 and 4 and husband of petitioner No.3 by name of Sri. Eranna S/o Chikka Mariyappa as expired on 05.11.2005 at Kammasandra Village of Hosakote Taluk, and they are entitled for issuance of direction to the respondent to register the same in the register as sought for?

Point No. 2: What order?

8. My answer to the above points in the affirmative for the reason mentioned infra.

REASONS

9.Point No.1: Petitioners are seeking direction to respondent to register the death event of , father of the petitioner No. 1, 2 and 4 and husband of petitioner No.3. In order to prove their claim, the petitioner No.1 got examined himself as PW-1 and reiterated the averments of petition. Apart from his oral evidence he has produced the non-availability certificate as Ex.P.1 which reveals that, the death event of of Sri. Eranna S/o Chikka Mariyappa is not entered in the register maintained by the respondent. Ex. P.2 & P.3 are the Kannada Hosadhigantha and English The New Indian Express daily newspapers publication, which reveal that, in order to call for any objection for the concerned persons about the death event of Sri. Eranna S/o Chikka Mariyappa public notice has been issued to public through vide paper publication on 22.04.2022 in daily newspapers. Ex.P.4 is the survivorship certificate issued by deputy tahasildar Hosakote regarding the survivors of deceased Sri. Eranna S/o Chikka Mariyappa from which it is apparent that petitioners are the legal heirs of deceased Sri. Eranna.

10. On perusal of entire oral and documentary evidence placed by petitioners it is evident that Ex.P.2 & Ex.P.3 are the Kannada Hosadhigantha and English The

new Indian express daily newspapers publication, which reveal that, in order to call for any objection for the concerned person about the issue of death event of of Sri. Eranna S/o Chikka Mariyappa who has said to be expired on 05.11.2005 at Kammasandra Village of Hosakote Taluk, public notice has been issued to public through vide paper publication on 25.04.2022 in daily newspapers. But no one has appeared to file any objection on the death event of Sri. Eranna S/o Chikka Mariyappa. Ex.P.4 is the survivorship certificate issued by deputy tahasildar Hosakote regarding the survivors of deceased Sri. Eranna S/o Chikka Mariyappa from which it is apparent that petitioners are the legal heirs of deceased Sri. Eranna S/o Chikka Mariyappa. The evidence placed by the petitioners remained unchallenged as the respondent is exparte. On perusal of the evidence adduced by the petitioners it is apparent that, father of the petitioner No.1, 2 and 4 and husband of the petitioner No.3 has died on 05.11.2005. Hence, I answer Point No.1 in the affirmative.

11. Point No. 2:- In view of my findings on point No 1 as stated above, I proceed to pass the following

ORDER

The petition filed U/s. 13(3) of Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent authority is hereby directed to register the date of death of father of petitioner No.1, 2 and 4 and husband of the petitioner No.3 by name Sri. Eranna S/o Chikka Mariyappa on 05.11.2005 at Kammasandra Village of Hosakote Taluk, in its register by collecting late fee and penalty if any.

No order as to cost.

(Dictated to the Stenographer directly on computer, typed by her revised and corrected by me, signed and then pronounced in the open Court on this the 22nd day of August 2023)

(BASAVARAJ.G.SANADI)
Prl. Civil Judge & J.M.F.C.,
Hosakote.

ANNEXURE**1.Number of witnesses examined for petitioners:**

P.W. 1 : Sri. Thammanna K.E.

2.Number of witnesses examined for defence:

-NIL-

3. List of documents exhibited for the petitioners:

Ex.P. 1 : Non-availability certificate.
Ex.P. 2 : Hosadhigantha Daily Newspaper.
Ex.P. 3 : The New Indian Express Daily Newspaper.
Ex.P.4 : Survivorship Certificate

4. List of documents exhibited for the defence:

-NIL-

(BASAVARAJ.G.SANADI)
Prl. Civil Judge & J.M.F.C.,
Hosakote.

22.08.2023

Case called out

**Orders pronounced in the open court
vide separate order)**

ORDER

The petition filed U/s. 13(3) of
gistration of Births and Deaths Act,
1969 is hereby allowed.

The respondent authority is
hereby directed to register the
date of death of father of petitioner
No.1, 2 and 4 and husband of the
petitioner No.3 by name Sri.
Eranna S/o Chikka Mariyappa on
05.11.2005 at Kammasandra
Village of Hosakote Taluk, in its
register by collecting late fee and
penalty if any.

No order as to cost.

**Prl Civil Judge and JMFC.,
Hoskote**

