

-:: ORDER ::-

This is a petition filed by the petitioners against the respondent U/s. 13(3) of Registration of Births and Deaths Act of 1969.

2. The brief facts of the petitioners is that petitioner No.4's wife namely Smt. Shakuntala Bai W/o Kumara Naik U. died on 30.12.2009 at Shasrihalli village, Katanayakana Hosahalli, Tumbigere post, Davanagere taluk & district. It is further submitted that due to lack of

knowledge of legal procedure, the event of death of petitioner No.4's wife could not comply in time. It is further submitted that now the death certificate of petitioner No.4's wife is necessary for documentation purpose. It is further submitted that petitioners approached the respondent office, but respondent office has issued an endorsement stating that there is no entry regarding death of petitioner No.4's wife. With this submission, petitioners have prayed for allowance of the application.

3. On the other hand, inspite of service of notice, the respondent has not appeared before the court. Hence, the respondent placed Ex-parte.

4. When the case posted for Ex-parte evidence, the petitioner No.1 is examined as PW1 and got marked the documents as Ex.P1 to Ex.P6.

5. I have heard the arguments on behalf of the petitioners.

6. The points arose for my consideration are:

1. Whether the petition filed by the petitioners are deserves to be allowed?

2. What order?

7. My findings on the above points are as under:

Point No.1 : In the affirmative.

Point No.2 : As per final order, for the following:

-:: REASONS ::-

8. Point No.1:- In order to substantiate the petition averments, the petitioner No.1 examined as PW1. In his evidence, he has deposed that his mother namely Smt. Shakuntala Bai W/o Kumara Naik U. died on 30.12.2009 at Shasrihalli village, Katanayakana Hosahalli, Tumbigere post, Davanagere taluk & district. It is further submitted that due to lack of knowledge of legal procedure, the event of death of petitioner No.4's wife could not comply in time. It is further submitted that now the death certificate of petitioner No.4's wife is necessary for documentation purpose. It is further submitted that petitioners approached the respondent office, but respondent office has issued an endorsement stating that there is no entry regarding death of petitioner No.4's wife.

9. In support of his contention, PW1 has produced the Non availability certificate issued by the respondent, notarized copy of G-tree and Paper publication, Aadhaar cards of the petitioners which are marked as Ex.P1 to Ex.P6. In my considered view, petitioners have made out grounds for allowance of the application. Admittedly the evidence of PW1 and contentions of Ex.P1 to Ex.P6 have remained un-challenged. Hence, I answer Point No.1 in the affirmative.

10. Point No.2:- In the result, I proceed to pass the following:

-:: ORDER ::-

Petition filed by the petitioners is hereby allowed. The Respondent is hereby directed to enter the date of death of petitioner No.4's wife namely Smt. Shakuntala Bai W/o Kumara Naik U. died on 30.12.2009 at Shasrihalli village, Katanayakana Hosahalli, Tumbigere post, Davanagere taluk & district in the concerned records after collecting necessary legal fees.

(Dictated to the Stenographer, typed by her through computer, corrected and then pronounced by me in the open court, this the 07th day of August - 2026).

(M. Mahesh Babu)
Prl.Senior Civil Judge
& CJM, Davanagere.