

:ORDERS ON MAIN PETITION:

1. The petitioners have filed this petition U/Sec.13(3) of the Registration of Births & Deaths Act, 1969, seeking for issuance of direction to the respondent to register the date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle in the concerned records.
2. It is the case of petitioners that, petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle by name Thippaiah S/o Late Hanumanthappa (ತಿಪ್ಪಯ್ಯ ತಂದೆ ಲೇಟ್ ಹನುಮಂತಪ್ಪ) is permanent resident of Siddihalli village, Jagaluru Taluk was died on 20.01.1984 at House. However, the petitioners due to ignorance, the entry of date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle was not registered in the Register of Births and Deaths maintained by the respondent. As there was no entry of date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle the respondent issued non-availability certificate/endorsement. Now, petitioners are a need of death certificate for the purpose of obtaining the varasu. Hence, this petition.
3. Though the notices were duly served upon the respondent. The respondent remained absent, hence he placed exparte.
4. The petitioner No.1 got examined as P.W.1 and got marked Ex.P-1 to P 5.
5. Heard argument and perused the entire records.
6. The following points would arise for my consideration:

Point No 1 : Whether the petitioners are entitled for relief sought in the petition?

Point No 2 : What Order?

7. For the above points my findings are as follows:

Point No.1 : In Affirmative.

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

:R E A S O N S:

8. **Point No.1:** The petitioners have filed this petition U/Sec.13(3) of the Registration of Births & Deaths Act, 1969 and petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle by name Thippaiah S/o Late Hanumanthappa (ತಿಪ್ಪಯ್ಯ ತಂದೆ ಲೇಟ್ ಹನುಮಂತಪ್ಪ) is permanent resident of Siddihalli village, Jagalur Taluk was died on 20.01.1984 at house. However, the petitioners due to ignorance, the entry of date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle was not registered in the Register of Births and Deaths maintained by the respondent. However, due to ignorance, the entry of date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle was not registered in the Register of Births and Deaths maintained by the respondent. As there was no entry of date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle the respondent issued non-availability certificate/endorsement. Now, petitioner needed of death certificate of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle for the purpose of obtaining the heirship certificate. Hence, petitioners prayed to grant the relief claimed in the petition.

9. During the course of evidence, the petitioners have reiterated the averments made in the petition. Further the petitioners have furnished paper publication in a daily newspaper. In spite of paper publication non appeared and objected the petition. Hence, there are no impediment for issuing death certificate of Thippaiah S/o Late Hanumanthappa (ತಿಪ್ಪಯ್ಯ ತಂದೆ ಲೇಟ್ ಹನುಮಂತಪ್ಪ) favor of petitioners. As it is already stated that, the petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle was died on 20.01.1984 at Siddihalli village, Jagalur

Taluk. But the same fact was not been informed to the concerned authorities. Non-informing the fact of date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle is bonafide one. Hence prays for condoning the delay in informing the same and for issuance of directions to the respondent to register the date of death in concerned records. This fact is clear on perusal of Ex.P.1. The oral and documentary evidence of petitioners remained unchallenged. There is nothing on record to disbelieve the case of petitioners. Considering all the above said aspects and all the materials on record, if the petition is allowed, no hardship will be caused to the other-side. Hence, I proceed to answer point No.1 in **Affirmative**.

10. **Point No.2:** Based on the above discussion, I proceed to pass the following.

:O R D E R:

The petition filed by the petitioners U/Sec.13(3) of the Registration of Births & Deaths Act, 1969 is hereby **allowed**.

The respondent is hereby directed to enter the date of death of petitioner No.1 to 5 grandfather and petitioner No.6 to 9 uncle by name Thippaiah S/o Late Hanumanthappa (ತಿಪ್ಪಯ್ಯ ತಂದೆ ಲೇಟ್ ಹನುಮಂತಪ್ಪ) is permanent resident of Siddihalli village, Jagalur Taluk was died on 20.01.1984 in the register maintained by the respondent and after collecting prescribed fee, issue death Certificate to the petitioners.

It is needless to state that the said entry will not be conclusive evidence of the disputed date of death.

Civil Judge & JMFC., Jagalur

