

IN THE COURT OF SENIOR CIVIL JUDGE & JMFC.,HIRIYUR
AT : HIRIYUR, CHITRADURGA

PRESENT: SRI. MOHAMMED MOINUDDIN,
B.A. LL.B., (Spl)
Senior Civil Judge & JMFC
Hiriyur

Dated on this 31st day of December 2022

Crl.Misc.No.243/2022

PETITIONERS

- :** **1. Lokesh, K.**
 S/o. Late. Kariyanna,
 Aged about 50 years,
- 2. Shivamma,**
 D/o. Late. Kariyanna,
 Aged about 48 years,
- 3. Narendrakumar,**
 S/o. Late. Kariyanna,
 Aged about 45 years,
- 4. Sannaveeranna,**
 S/o. Late. Siriyanna,
 Aged about 80 years.

All are R/o. Alur village,
Kasaba hobli, Hiriyur Taluk,
Chitradurga district.

[Rep.By Sri. K. Rajappa, Advocate]

-V/s-

RESPONDENT

- :** **The Tahasildar,**
 Hiriyur taluka Hiriyur
 [Respondent absent]

ORDERS

This petition is filed U/S 13[3] of The Registration of Births and Deaths Act 1969 by the petitioners whereby prayed to direct the respondent to enter the date of death of one Smt. Nagamma W/o. Siriyanna in the concerned registers as died on 02.07.1969.

2. The gist of petition averments is as under;

The deceased Smt. Nagamma W/o. Siriyanna is the grand mother of petitioner No.1 to 3 and mother of petitioner No.4. That, said Nagamma died on 02.07.1969 at Aluru village of Kasaba revenue circle in Hiriyur taluk and survived by the petitioners.

3. That the petitioners due to inadvertence of legal procedure did not inform the date of death of Nagamma to the office of respondent as such it has remained unreported. Since the deceased has left movable and immovable properties to which the petitioners have succeeded as such to get transfer the immovable properties from Nagamma's name to their names the petitioners are in need of death certificate of said Nagamma.

4. In this regard the petitioners had approached the respondent with a written application by mentioning the date of death to issue death certificate for all legal purposes but the respondent has

issued an endorsement on 04.07.2022 stating that, no such entry has been made in the register maintained in his office. Hence, this petition.

5. Therefore, the petitioners have prayed to allow the petition and issue direction to the respondent to make an entry of date of death of Smt. Nagamma W/o. Siriyanna as died on 02.07.1969 at Aluru village of Kasaba revenue circle of Hiriur taluk in the register maintained in his office and issue certificate accordingly.

6. After registering the case the respondent was summoned through a court notice but inspite of service of notice he has not appeared. However, in compliance with directions the petitioners have taken steps by publishing the notice in Kannada daily news paper by name Vijay Karnataka. Since no one has appeared and petition remained undisputed.

7. The following point arises for consideration;

Whether the petition is deserved to be allowed?

8. In order to prove their case, the petitioner No.1 got examined himself as PW.1 and got marked 7 documents at Ex.P.1 to Ex.P.7. Thereafter I have heard the arguments and perused the available

materials. My finding to the above point is in affirmative, for the following:

REASONS

9. **Point No.1:-** On careful scrutiny of petition averments together with oral evidence of PW-1 and family G-Tree marked at Ex.P-5 it is evident that, Late. Smt. Nagamma W/o. Siriyanna is the grand mother of petitioner No.1 to 3 and mother of petitioner No.4. Further a perusal of petition averments together with oral evidence of PW-1 and reports of revenue inspector and village accountant as well as spot Mahazar marked at Ex.P-2 to 4 respectively it is crystal clear that, Smt. Nagamma W/o. Siriyanna has passed away on 02.07.1969 at Aluru village in Kasaba revenue circle of Hiriya taluk.

10. On perusal of non-availability endorsement issued by the respondent at Ex.P-1 would suggest that, the date of death of Nagamma is not reported to the office of respondent in time.

11. In a nutshell I would say that, the relationship between the petitioners inter-se and with the deceased Nagamma is prima facie established. Further the date of death of said Nagamma is also

established by the petitioners because the report of village accountant followed by revenue inspector's report and the spot Mahazar drawn in presence of two respectable persons clearly shows that, Nagamma is no more.

12. It is relevant to note that, the respondent inspite of service of notice has not appeared before the court. The petition averments, the oral and documentary evidence on record have remained unchallenged. Under such circumstances there is no scope to reject the claim of the petitioners. Thus for the discussion made above I am of the opinion that, due to lack of knowledge about the relevant law the petitioners was unable to report the death of Nagamma to respondent in time. However, considering the facts established by them and the law applicable to the subject before the court I am of the opinion that, the petitioners are entitled for the relief sought for. Hence, I answer the above point in affirmative. In the result I proceed to pass the following;

ORDER

The petition filed by the petitioners
U/Sec.13 [3] of The Registration Births and
Deaths Act 1969 is hereby allowed.

The respondent is directed to enter the date of death of Smt. Nagamma W/o. Siriyanna died on 02.07.1969 at Aluru Village, Kasaba hobli, Hiriur Taluk in the concerned register and issue death certificate accordingly, by collecting the requisite fee from the petitioners.

[Dictated to the Stenographer directly on computer, the same was typed by her, the transcript thereof is corrected by me and then pronounced in open Court on this 31st day of December 2022]

**[MOHAMMED MOINUDDIN]
SENIOR CIVIL JUDGE & JMFC.,
HIRIYUR, CHITRADURGA**

A N N E X U R E

LIST OF WITNESSES EXAMINED FOR PETITIONERS:

PW.1 : Lokesh K.

LIST OF DOCUMENTS MARKED FOR PETITIONERS: _

Ex.P.1 : Non availability certificate

Ex.P.2 : Revenue Inspector's Report

Ex.P.3 : Village Accountant's Report

Ex.P.4 : Mahazer

Ex.P.5 : Affidavit about genealogy

Ex.P.6 : Paper Publication

Ex.P.7 : Notarized copy of Aadaar card

LIST OF WITNESSES EXAMINED FOR RESPONDENT:

Nil

LIST OF DOCUMENTS MARKED FOR RESPONDENT:

Nil

[MOHAMMED MOINUDDIN]
SENIOR CIVIL JUDGE & JMFC.,
HIRIYUR, CHITRADURGA