



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC, AT
K.G.F**

Present: Smt. SHEMIDA.K., B.A (LAW) ,LL.B,
Prl. Civil Judge & JMFC, K.G.F

C.M.C.No.28/2026

Dated this the 24th day of June, 2026

Petitioners : **Prabhu Sampath Kumar,**
S/o Late. Ezaikiel and Smt.Janakiammal,
Aged about 61 years,
R/at #181, Krishnagiri Lane,
Marikuppam Post, KGF.

(By Sri.J.S., Adv.,)

Versus

Respondent : **The Commissioner,**
City Municipal Council,
Robertsonpet, KGF.

(Placed as Ex-parte)

O R D E R

The petitioners have filed this petition under Sec.13(3) of Registration of Birth and Death's Act, 1969 for necessary direction to the respondent to enter the death particulars of his father by name Sri.Ezaikiel, S/o Sri.Samuel who has demised on 12.11.1979 in the register of death and to issue death Certificate of petitioner father.

2. In the petition the Petitioner has stated that, his father by name Sri.Ezaikiel, S/o Sri.Samuel and Smt.Emmily who has demised on 12.11.1979 at #181, Krishnagiri Lane, Marikuppam Post, KGF. Further stated that his father death information was not intimated to the respondent in time and they were not aware of the same. Now the petitioner requires the Death Certificate of his father to submit the same to Revenue Authorities for documentation and other essential purpose. In this regard petitioner has approached the respondent office and they have issued a Non-availability Certificate dated 23.12.2025. Hence petitioners prays to allow the petition.

3. In-spite of service of notice and public notice in two daily Newspapers, the Respondent and no other claimants did not appeared before the Court, hence respondent placed as ex-parte and the matter posted for petitioner evidence.

4. In order to prove his case, the petitioner by name Sri.Prabhu Sampath Kumar has examined himself as PW.1 and documents were got marked as Ex.P.1 to P.9. The counsel for petitioner submits that he has no further evidence, hence further evidence of petitioner side taken as closed. Since the respondent placed as exparte, the cross examination of PW1 and respondent evidence taken as nil and the matter posted for arguments.

5. Heard the learned counsel for the petitioner and perused the documents available on record.

6. The points that arise for my consideration are;

1. *Whether the Petitioner would be entitle for the relief sought in the petition?*

2. *What order?*

7. My findings to the above points are;

**Point No. 1 : In the Affirmative,
Point No. 2 : As per my final order
for the following;**

REASONS

8. Point No.1 : It is case of the Petitioners that his father by name Sri.Ezaikiel, S/o Sri.Samuel and Smt.Emmily who has demised on 12.11.1979 at #181, Krishnagiri Lane, Marikuppam Post, KGF. Further they have not registered the death particulars of said Sri.Ezaikiel to the concerned authority in time, due to lack of knowledge.

9. In support of his case, the petitioner by name Sri.Prabhu Sampath Kumar has examined himself as PW1 by filing his chief affidavit and reiterated the petition averments. Further PW1 has produced documents as Ex.P.1 to P.9. In that Ex.P1 is the Non-availability Certificate issued by the respondent on 23.12.2025 which shows that they have approached the respondent. Further Ex.P2 is the notarized copy of Adhar card of PW1. Further Ex.P3 is the notarized copy of application given by PW1 to the concerned department for issuance of genealogical Certificate. Further Ex.P4 is the notarized copy of Army documents. Further Ex.P5 and 6 are is the photographs of graveyard of Ezekiel. Further Ex.7 is Hosa digantha daily

newspaper publication dated 27.03.2026 and Ex.P.7(a) is operative portion of said news paper. Further Ex.P.8 is the Kolara Kirana daily newspaper publication dated 24.03.2026 and Ex.P.8(a) is operative portion of said news paper. Further Ex.P.9 is the requisition letter dated 08.12.2025. The above said documents corroborates the contents of petition.

10. On perusal of the oral testimony of PW1 and documents it shows that the petitioner is the son of deceased Sri.Ezaikiel. Further the respondent has placed exparte, hence the testimony of petitioner has remained unchallenged and uncontraverted and there are no reasons to disbelieve the evidence given by the petitioner. Further after the paper publication no one has raised any objection for the prayer of the petitioner. Moreover the documents furnished by him is corroborates with each other. Hence it is proper to issue direction to the respondent to record the date of death of Sri.Ezaikiel, S/o Sri.Samuel and Smt.Emmily who has demised on 12.11.1979 at #181, Krishnagiri Lane, Marikuppam Post, KGF. Accordingly, I answer **Point No.1** in the **Affirmative**.

11. Point No. 2 : In view of my aforesaid findings, I proceed to pass the following;

ORDER

**The Petition filed by the petitioners
under Sec.13(3) of Register of Birth and
Death's Act is hereby allowed.**

Consequently, the respondent is hereby directed to enter the date of death of Sri.Ezaikiel, S/o Sri.Samuel and Smt.Emmily who has demised on 12.11.1979 at #181, Krishnagiri Lane, Marikuppam Post, KGF in the death register and issue death certificate after collecting necessary fee.

(Dictated to the Stenographer directly on computer, revised and corrected by me and then pronounced in open court on this the **24th day of June, 2026**)

Sd/-

(SHEMIDA.K)

Prl. Civil Judge & JMFC,
K.G.F.

: A N N E X U R E :

List of witnesses examined on behalf of Petitioners:

PW1 : Sri.Prabhu Sampath Kumar

List of documents exhibited on behalf of Petitioners:

Ex.P1 : Non-availability Certificate
Ex.P2 : Notarized copy of Aadhar Card
Ex.P3 : Notarized copy of application
Ex.P4 : Notarized copy of Army document
Ex.P5 and 6: Photographs
Ex.P7 : Hosa Diganth daily newspaper publication
Ex.P7(a) : Operative portion of said news paper
Ex.P8 : Kolar Kirana daily newspaper publication
Ex.P8(a) : Operative portion of said news paper
Ex.P9 : Requisition

List of witnesses examined on behalf of Respondent:

- Nil -

List of documents exhibited on behalf of Respondent:

- Nil -

Sd/-

(SHEMIDA.K)

Prl. Civil Judge & JMFC,
K.G.F.