

**IN THE COURT OF THE SENIOR CIVIL JUDGE AT
SOMAWARAPETE**

**Present:- Sri.Gokula K., B.A., LL.B.
Senior Civil Judge,
Somawarapete.**

Dated this 11th day of May 2023

Crl.Misc. No.87/2022

Petitioners:-

1. Sri Naveen K.J.
S/o late Jayakrishna,
Aged 33 years,
Agriculturist,
R/a Kanaralli village,
Kodlipete hobli,
Somwarpet taluk,
Kodagu district.
2. Smt.Nithya A.V.
D/o late Jayakrishna,
W/o Vishwanath,
Aged 35 years,
R/a Anigalale village,
Malagalale post,
Alur post, Hassan district.

(Represented by Sri D.A.K.R., Advocate)

V/s

Respondent:

The Tahsildar,
Registrar of Birth and deaths,
Somwarpet Taluk,
Kodagu district.

(Absent)

ORDERS

The petitioners have filed petition U/s 13 (3) of Registration of Births and Deaths Act 1969 to direct the respondent to register the

date of death of Sri Jayakrishna, died on 14-05-2001 at Kanaralli village, Kodlipete hobli, Somwarpet taluk, Kodagu district.

2. **The brief facts leading to case are as follows:-**

The petitioners are the children of Sri Jayakrishna. Jayakrishna died on 14-05-2001 at Kanaralli village, Shanivarasante hobli, Somwarpet Taluk. The petitioners and their family members had informed the same before the concerned authority.

3. The petitioners have filed an application before the respondent to issue the death certificate of their father. After verification the respondent has issued non-availability certificate on 22-08-2022 by stating that there was no entry in their register. The petitioners have required the death certificate of deceased Jayakrishna for the purpose of transfer of revenue records and other lawful purposes. Hence, the petitioners have constrained to file the petition.

4. After filing of the petition, notice was issued to the respondent. In spite of service of notice, the respondent did not appeared before the court. The petitioners have also published the citation in Newspaper to invite all concerned to appear and to say if any objections for the claim, but none appeared to contest the case.

5. In order to prove the contents of the petition, the petitioner No.1 herself examined as PW-1 and got marked as many as 4 documents, which are marked as Ex-P 1 to 4.

6. Heard, arguments, the points that arise for my consideration is as follows-

1. Whether the petitioner is entitled for the relief as sought for?

2. What order?

7. Perused the records, my answer to the above points is as under-

Point No.1: In the affirmative

Point No.2: As per final order,

for the following-

REASONS

8. **Point No.1:-** In the examination-in-chief PW-1 has reiterated the contents of petition. Ex-P1 is the non-availability certificate. Ex-P2 is the affidavit sworn by PW-1 reflects that the petitioners are the legal heirs of deceased Jayakrishna. Ex-P3 is the Notarized Aadhaar card of PW-1. Ex-P4 is the paper citation published in daily Kannada Newspaper Prajasathya on 02-02-2023 to invite all concerned to

appear in the case and to say if any objections but none appeared to contest the claim of petitioners.

9. The entire averments of the petition is undisputed, the evidence of petitioner is unchallenged. From this it shows that the petitioners might have required the Death certificate of Jayakrishna in order to change the revenue records in their name. Hence, under such circumstances the petitioner has made out a ground that the death of Jayakrishna is not entered in the register of Birth and Death. Further the petitioners also taken paper publication in the local news paper calling any objection from anybody. But none of the persons came forward to object the version of the petitioners. Therefore, I have no reasons to discard the claim of the petitioners. Therefore, I answer the above ***point No.1 in the Affirmative.***

10. **Point No.2:** In view of my findings to the above point I pass the following-

ORDER

The petition filed by the petitioners under section 13 (3) of Births and Deaths Act 1969 is hereby allowed.

Accordingly, the respondent is hereby directed to register the date of death of Sri Jayakrishna, died on 14-05-2001 at Kanaralli village, Kodlipete hobli, Somwarpet taluk, Kodagu district and issue Death

**Certificate after collecting necessary fee as prescribed
under law.**

(Dictated to the stenographer directly on computer, typed by her corrected by me, revised and then pronounced by me in the open court this 11th day of May 2023).

Sd/-xxxx
(Sri Gokula K.)
Senior Civil Judge & JMFC,
Somawarpete.

Annexures

List of witnesses examined on behalf of Petitioner:-

PW.1 : Naveen K.J.

List of documents got marked on behalf of Petitioner:-

Ex.P.1 : Non-Availability certificate and affidavit
Ex.P.2 : G-Tree
Ex.P.3 : Notarized Aadhaar card of PW-1
Ex.P.4 : Paper citation

List of witnesses examined on behalf of respondent:-

Nil

List of documents got marked on behalf of respondent:-

Nil

Sd/-xxxx
(Sri Gokula K.)
Senior Civil Judge & JMFC,
Somwarpete.