

**ORDER ON PETITION FILED U/S 13(3) OF THE REGISTRATION OF
BIRTHS & DEATHS ACT, 1969**

The Petitioners have filed this instant petition seeking issuance of directions to the Respondent to record the date of death of **Chikkanna S/o Late Tarappa** who died on **25-12-1975** in **Kallenahalli Village, Huliya Hobli, C.N.Halli Taluk** and issue death certificate.

It is stated in the petition that the deceased is the grand-father of petitioner No.1 and Petitioner No.2 to 4 are family members. The factum of death of the deceased was orally informed to the Respondent authority due to lack of knowledge and hence the same was not recorded in the concerned register of death. Since the death certificate of the deceased is required for change of katha of revenue records of the petitioners family, the Petitioner No.1 approached the Respondent to issue the same, however the Respondent issued a Non-availability certificate stating that the record of factum of death of the deceased is not available at the Office of the Respondent. Hence this petition.

Upon filing of this petition, notice was issued to the Respondent Authority, which was duly served, however the Respondent did not appear before this Court and contest the matter, hence was placed exparte. Notice was also issued through paper publication inviting interested parties to raise objections in respect of the factum of death of the deceased. However, no interested parties appeared before this Court.

Subsequently, the Petitioner No.1 filed affidavit in lieu of examination in chief, got himself examined as PW1 and got marked Ex.P1:Non-availability Certificate, Ex.P2:

Copy of Mahazar, Ex.P3: Notarized True copy of Genealogical Tree, Ex.P4: C/c of G-tree, Ex.P5: Notarized copy of Adhar card of PW.1, Ex.P6: Paper publication in Vijaya Karnataka Kannada daily newspaper, Ex.P6(a): Portions of Paper publication. PW1 has reiterated the contents of the petition in her examination in chief. As the Respondent did not choose to appear and contest the matter, the evidence of PW1 has remained unchallenged. As also, all the necessary persons are made as parties to this petition, therefore, the directions issued by the Hon'ble High Court in the case of **Smt. Muniyamma & others V/s Devegowda & others** reported in **ILR 2013 KAR 4703** are duly complied.

There is nothing available on record to disbelieve the version stated by the Petitioner on oath. Apart from this, the explanation given by the Petitioners for the prayer sought is also satisfactory. Holding thus the Petitioners are the competent persons to aver regarding the death of the deceased, valid grounds have been made out to issue directions to the Respondent Authority as prayed in this petition.

Pertinently, the Hon'ble High Court of Karnataka in the case of **H.Subba Rao V/s The Life Insurance Corporation of India, Bangalore & another** has held that an entry in the resister of birth and death is not conclusive evidence of the disputed date of birth or death, so also an entry pursuant to the directions of the Magistrate under Section 13(3). The order of the Magistrate binds only the Registrar and not others. In view of the aforesaid observations, I proceed to pass the following:

O R D E R

The present petition filed U/s 13(3) of the Registration of Birth & Deaths Act, 1969 is hereby allowed.

The Respondent is hereby directed to register the date of death of **Chikkanna S/o Late Tarappa as 25-12-1975** who died in **Kallenahalli Village, Huliayar Hobli, C.N.Halli Taluk** in the concerned register of death and issue death certificate after collecting necessary charges.

Office to issue intimation to the Respondent Authority.

(Smt. Mahalakshmi. G)

ACJ & JMFC, C.N.Halli