

Crl.Misc.No.3794-2021

ORDER

This is a petition filed by the petitioners u/sec. 13(3) of Registration of Births and Deaths Act of 1969.

2.The case of the petitioners is that the father of the petitioners-2 to 4 and husband of petitioner no.1 by name SRI.NARAYANA REDDY S/O. SRI. Late MUNISWAMAPPA expired on 21.03.2020 at No.110-1, Kothanuru, Bannerghatta Road, Uttarahalli Hobli, Bengaluru - 76, due to ignorance of law and procedure the petitioners did not comply to the respondent. Now the petitioners are in need of death Certificate of deceased for their bonafide use. When the petitioners approached the respondent seeking a death certificate of deceased the respondent issued an endorsement. Therefore, the petitioners have sought for an order directing the respondent to register the date of death of deceased - NARAYANA REDDY in the death register.

3.After registering the petition, notice has been issued to the respondent. The notice has been duly served to the respondent and also published in the news paper, but the respondent remained absent. Hence, he has been placed ex-parte.

4.In order to substantiate the claim the petitioner-3 has filed an affidavit in lieu of evidence.

5.Heard the arguments and perused the evidence on record.

6.The points arose for my consideration are:

1. Is it just and necessary to issue direction as sought against the respondent?
2. What order ?

7. My finding on the above points are as under;

Point No.1 : In the affirmative;

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

REASONS

8.Point No.1:- It is established from the mouth of PW-1 that the petitioner-1 is his mother and petitioners-2 and 4 are his sisters and his father by name SRI.NARAYANA REDDY expired on 21.03.2020 at No.110-1, Kothanuru, Bannerghatta Road, Uttarahalli Hobli, Bengaluru - 76, The Non-availability certificate dated 10.08.2021 issued by the

respondent at Ex.P.1 discloses that the date of death of the her father was not registered in the concerned register maintained by the respondent. Now the respondent has no authority to register the date of death of his father due to inordinate delay. It appears that the petitioner-3 due to lack of knowledge of procedure laid down under the registration of births and deaths Act 1969 failed to inform the concerned registering authority within stipulated period. Now the petitioner-3 is in need of Death Certificate of his father for his bonafide use.

9.The petitioner No.3 himself is examined as P.W.1 and got marked Ex.P.1 to P.9 documents. The Ex.P.1 is the original non-available certificate, Ex.P.2 is the Family Tree Affidavit, Ex.P3 to 6 are the notarized copies of Adhar Cards, Ex.P7 is the notarized copy of Ration Card, Ex.P8 is news paper publication in "Hosa Digantha" dated 28.05.2022 and Ex.P9 is news paper publication in "New Indian Express" dated 28.05.2022 and deceased name is also mentioned at Ex.P8.

10.Perused the same. The testimony of this petitioner and the documents relied by the petitioner-3 has remained unchallenged by the Respondent. The documents produced by the petitioner -3 shows that his father's actual date of death is 21.03.2020 . So there is no hurdle to direct the respondent to enter the date of death of husband of the petitioner No.1 and father of petitioners-2 to 4, in the death register. Hence, at the option of the petitioner-3, the petition requires to be allowed on payment of requisite fee. Accordingly, I answer point No.1 in the affirmative.

11.Point No.2: In the result, I proceed to pass the following:-

ORDER

Petition is allowed. The respondent is hereby directed to register the date of death of father of the petitioners-2 to 4 and husband of petitioner no.1 by name **SRI.NARAYANA REDDY S/O. SRI. Late MUNISWAMAPPA expired on 21.03.2020** at No.110-1, Kothanuru, Bannerghatta Road, Uttarahalli Hobli, Bengaluru - 76 , after collecting late fee and penalty.

(Dictated to the stenographer, transcript thereof, corrected and then pronounced by me in the open court this the August 1, 2023.)

(JAI SHANKAR.J.)
C/C.XXXI ACMM, BANGALORE.