

**IN THE COURT OF 36TH ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE, BENGALURU.**

Present:-

**Sri. Hanamantarao R.Kulkarni
B.Com., LL.B.,
36th Addl. Chief Metropolitan Magistrate,
Bengaluru.**

Cri.Misc.No.1878/2022

Dated this the 09th day of May, 2022

1. Ramanna Katnalli, S/o. Hanumant
A/a 55 years, R/o. No. 157, Ward No. 10
near Sakri High School
Bagalkot Settlement Area, Bagalkot
Bangalore-587101.

.....Petitioner

(By Sri.S.K, advocate)

-Versus-

1. The Commissioner,
The BBMP, Birth and Death Registrar,
Bengaluru.

... Respondent-

Absent.

ORDER

1. The instant petition has been filed by the petitioner under Sec.13(3) of the Registration of Births and Deaths Act seeking direction of this Court to the respondent to register the date of death of the petitioner's son-in-law by name Shivanand Giranivaddar S/o. Nagappa as on 03/07/2020 Intestate at. Brought dead to suraksha hospital, marathalli, Bangalore-560037. in the concerned death register.

2. The brief facts of the case of the petitioner are as under:
It is the contention of the petitioner that his son-in-law was died on 03/07/2020 Intestate at Brought dead to suraksha hospital, marathalli, Bangalore-560037. It is pleaded that when the petitioner has approached the respondent for the purpose of getting death certificate, respondent has not issued death certificate and further he has submitted that it is required for relevant purposes. Further, the petitioner has filed an application before the respondent for issuing death extract of his son-in-law but respondent has issued a Non-Availability Certificate on 21/02/2022 stating that death of his son-in-law named above is not registered in register of deaths. Hence, the present petition.
3. Though the notice has been served on the respondent, he has not appeared, hence he has been placed exparte.
4. The petitioner in order to prove his case, himself has been examined as P.W.1 and got marked eight documents at Ex.P.1 to Ex.P.8 and closed his side.
5. I have heard the learned Counsel for the petitioner.
6. After the perusal of the case the following points would arise for my consideration:
 - 1) Whether the petitioner is entitled for the relief as sought in the petition?
 - 2) What order?
7. My findings on the above points are as follows:

Point No.1: **In the AFFIRMATIVE.**

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

REASONS

8. **Point No.1:** The petitioner in order to prove his case himself has been examined as P.W.1 and got marked eight documents at Ex.P.1 to Ex.P.8. P.W.1 in his evidence has stated that his son-in-law has died on 03/07/2020 Intestate at Brought dead to suraksha hospital, marathalli, Bangalore-560037. It is pleaded that when P.W.1 has approached death registrar for the purpose of getting death certificate, but the respondent has issued non-availability certificate. Ex.P.1 is a non-availability certificate issued by the respondent wherein it is mentioned that date of death of P.W.1's son-in-law is not recorded in concerned register. Further P.W.1 has also produced the Hosa Diganta News paper and Indian Express News Papers, he has also produced notarised copy of 02 Original Affidavits, notarised copy of Cemetary report, notarised copy of 02 Aadhar Cards. The oral and documentary evidence adduced by P.W.1 is sufficient to hold that his son-in-law has died on 03/07/2020 Intestate at. Brought dead to suraksha hospital, marathalli, Bangalore-560037. Accordingly, I answer this point in the affirmative.

9. **Point No.2:** In the result, I proceed to pass the following:

ORDER

The petition filed by petitioner Under Sec. 13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of the petitioner's Son-in-law by name Shivanand Giranivaddar S/o. Nagappa as on 03/07/2020 Intestate at. Brought dead to suraksha

hospital, marathalli, Bangalore-560037, in the concerned death register and issue death certificate after collecting the late fee.

(I have directly typed on my laptop, corrected and then pronounced by me in the open Court on this the 09th day of May 2022.)

(Hanamantarao R.Kulkarni)
36th ACMM, Bengaluru.

=====

ANNEXURE

Witnesses examined on behalf of the Petitioners:

PW.1. : Ramanna Katnalli

For Respondent : Nil.

Documents marked on behalf of Petitioners:

Ex.Ps:

1. : Non Availability Certificate.
2. : Extract of Indian Express news paper
- 2a : Portion of Indian Express news paper
3. : Extract of Hosa Diganta news paper
- 3a : Portion of Hosa Diganta news paper
- 4 & 5 : Notarised copy of 02 Original Affidavits.
- 6 : Notarised copy of Cemetary Report
- 7 & 8 : Notarised copy of 02 Aadhar Cards.

(Hanamantarao R.Kulkarni)
36th ACMM, Bengaluru.

(Order pronounced in Open Court)

ORDER

The petition filed by petitioner Under Sec. 13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of the petitioner's son-in-law by name Shivanand Giranivaddar S/o. Nagappa as on 03/07/2020 Intestate at. Brought dead to suraksha hospital, marathalli, Bangalore-560037 in the concerned death register and issue death certificate after collecting the late fee.

(Hanamantarao R.Kulkarni)
36th ACMM, Bengaluru.