

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC.,
MADDUR**

Present:- B. Priyanka, B.A., LL.B.,
Prl. Civil Judge and JMFC.,
Maddur.

Crl. Misc. No.139/2022

Dated this the 21st day of July, 2023

- PETITIONERS :**
1. Boraiah S/o Late Bhyraiah
63 years, R/o Yaladahalli
Village, Maddur Taluk
 2. Kalaningaiah S/o Sanabana
Siddaiah, 80 years,
R/o Yaladahalli Village,
Maddur Taluk
 3. Siddamma W/o Kullaiah,
78 years, R/o Kalarepura Village,
Malavalli Taluk
 4. Jayamma W/o Boraiah, 58 years,
R/o Hullegala Village,
Kirugavalu Hobli, Malavalli Taluk
 5. Siddamma W/o Ramaiah, 55
years,
R/o Yaladahalli Village,
Maddur Taluk
 6. Ningamma W/o Boraiah, 60 years,
R/o Yaladahalli Village,
Maddur Taluk
 7. Savitha S/o Boraiah, 21 years,
R/o Yaladahalli Village,
Maddur Taluk

(Rpd/by Sri RJ., Advocate)

// Versus //

RESPONDENT : Registrar of Births and Deaths,
R/by Tahasildar, Maddur
(Ex-parte)

ORDER

This petition is filed under Section 13(3) of Registration of Births and Deaths Act, 1969 seeking an order directing the respondent to make necessary entry of the factum of the death of father of petitioner No.1,4 and 5, younger brother of petitioner No.2 and 3, father-in-law of petitioner No.6 and grand-father of petitioner No.7 Bhairaiiah S/o Late Sanabana Siddaiah who died on 26.03.1973 in the register of deaths, by condoning the delay in making the necessary entry of the same, as the respondent after verifying the records has issued Non Availability Certificate, stating that there is no entry regarding date of death of the deceased.

2. The petitioner state that Bhairaiiah S/o Late Sanabana Siddaiah died on 26.03.1973. The lack of knowledge on the part of the parents of the petitioners and their family members resulted in not intimating the concerned authority regarding the fact of death of Bhairaiiah S/o Late Sanabana Siddaiah within due time.

3. petitioners approached the respondent in respect of the same and on 27.08.2019 an endorsement was issued

by the respondent regarding the non availability of death certificate of the deceased Bhairaiiah S/o Late Sanabana Siddaiah. Hence the petitioner has approached this court. The said death certificate is alleged to be required for change of katha of the properties and also for other legal necessities.

4. Despite due service of notice, the respondent remained absent. Hence, respondent was placed ex-parte. The petitioner had also issued paper publication regarding death of Bhairaiiah S/o Late Sanabana Siddaiah as per the principles laid in the decision of Hon'ble High Court of Karnataka, reported in AIR (Kar) 2014 (1) 198 (WP. No.50331 to 50334/2012) in case of Muniyamma Vs Devegowda. But none appeared to contest the petition. Hence, the contesting respondent were taken as nil.

5. The petitioner No.1 to substantiate the contention, got examined himself as PW.1 and he has filed his evidence affidavit in-lieu of his examination-in-chief and has deposed that the petitioners are in need of death certificate of Bhairaiiah S/o Late Sanabana Siddaiah for change of katha of the properties and for other legal necessities. PW-1 has also produced the non availability certificate as Ex.P-1, the genealogical tree as Ex.P-2, Adhar cards as Ex.P.3 to 8, two paper publications as Ex.P.9 and 10, grant certificate as Ex.P.11. The evidence placed by the petitioners remains unchallenged. Under the circumstances, I do not find any reasons to disbelieve the evidence of PW-1. Therefore, I

proceed to pass following:

ORDER

The respondent is hereby directed to register the factum of death of father of petitioner No.1 Bhairaiiah S/o Late Sanabana Siddaiah died on 26.03.1973 at Yaladahalli Village, Maddur Taluk on payment of requisite fee.

(Dictated to the Stenographer directly on computer, corrected and then pronounced in open court on this 21st day of July, 2023)

(B. Priyanka)
Prl. Civil Judge and JMFC,
Maddur.

A N N E X U R E

LIST OF WITNESSES EXAMINED FOR PETITIONERS

PW.1- Boraiah

LIST OF DOCUMENTS MARKED FOR PETITIONERS

Ex.P.1	-	Non-availability certificate
Ex.P.2	-	Genealogical tree
Ex.P.3 to 8	-	Adhar cards
Ex.P.9 and 10	-	Paper publications
Ex.P.11	-	grant certificate

Prl. Civil Judge and JMFC,
Maddur.