

KAMS510126292022



IN THE COURT OF I ADDL. CIVIL JUDGE AND JMFC.,
NANJANAGUDU

Present: Sri Kishor Kumar M.,
B.A. LL.B.,

I Addl. Civil Judge & JMFC, Nanjanagudu

Dated this 31st day of January, 2023

CRL.MISC./2659/2022

Yellabhoyi,
S/o. Late Dollabhoyi,
Aged about 76 years,
R./at Alathuru Village,
Biligere Hobli,
Gundlupet Taluk,
Chamarajanagara District.

...Petitioner

(Rep by Smt. **M.S.Poornima**, Adv.)

-/Versus/-

The Tahasildar,
Nanjangud Taluk, Nanjangud.

...Respondent

(Absent)

ORDER

The petitioner has filed this petition u/Sec. 13(3) of
The Registration of Births and Deaths Act, 1969.

2. The brief facts of the petitioner's case is that:

That the uncle of petitioner by name **Dasabhoyi, S/o. Late Thimmabhovi** died on **12.08.1971** at **Konanuru Palya** village of Nanjangud taluk. The petitioner and his family members did not inform the date of death of **Dasabhoyi** to the office of respondent due to ignorance of procedure and the said mistake is a bonafide not an intentional one. The death certificate of **Dasabhoyi** is required to produce the same before the concerned authority to get mutation entries. Hence, this petition is filed by the petitioner.

3. After registering the case, notice has been issued to the respondent. In spite of due service of notice, the respondent did not appear before the Court. The respondent was remained absent.

4. In order to prove his case, petitioner got examined himself as PW.1 and got marked Ex.P1 to Ex.P4.

5. Heard, learned counsel for petitioner.

6. The points that arise for my consideration are as follows:-

1. Whether the petitioner has made out a ground to direct the respondent to register the date of death of **Dasabhoyi** in the concerned register?

2. What order?

7. My answer to the aforesaid point is in '**Affirmative**' for the following:-

REASONS

8. **Point No.1:** PW-1/petitioner deposed that, his uncle by name **Dasabhoyi, S/o. Late Thimmabhovi** died on **12.08.1971** at **Konanuru Palya** village of Nanjangud taluk. Due to the ignorance and oversight, the petitioner and his family members did not inform the death of **Dasabhoyi** to respondent. Now, the petitioner filed an application to respondent and pray for issue of death certificate of **Dasabhoyi**, for which the respondent issued an endorsement stating that, there is no entry of death in the concerned register. The petitioner requires the death certificate of **Dasabhoyi** to get mutation entries in his name. The non availability Certificate issued by the respondent is marked as Ex.P1. The paper publication in respect of institution of the petition published in Times of Nanjanagudu Daily Newspaper Dt.15.11.2022, which is marked as Ex.P2 and the relevant portion of the same is marked as Ex.P2(a). Ex.P3 is the notarized copy of Aadhaar card of petitioner and Ex.P4 is the notarized copy of genealogical tree pertaining to the family of petitioner. On perusal of these documents, it is found that, deceased **Dasabhoyi** is the uncle of the PW.1 and he requires the death certificate of **Dasabhoyi** to get mutation entries. Hence, there is sufficient grounds to

allow the petition, moreso, in spite of service of notice, the respondent not appeared before this court and the oral and documentary evidence of petitioner remained unchallenged and undisputed. After due publication of the petition citation/public notice in Times of Nanjanagudu Daily Newspaper dated 15.11.2022, no one has come before the Court to protest the petition so as to dispute the relationship of the petitioner with the deceased, date of death of deceased etc., If the date of birth/death of any person was not registered in the concerned register of appropriate authority for any reasons, it cannot be denied in getting the registration of the same. Hence, I am of the opinion that, if the petition is allowed no injustice or hardship will be caused to the respondent or anybody. Accordingly, Point No.1 is answered in the '**Affirmative**'.

9. **Point No.2:** In view of the above said findings, this court proceeds to pass the following:

ORDER

The petition filed by the petitioner under the provisions of Sec.13(3) of The Registration of Births and Deaths Act, 1969 is hereby **allowed**.

Respondent is directed to register the date of death of **Dasabhoyi, S/o. Late Thimmabhovi** as **12.08.1971** at **Konanuru Palya** village of Nanjangud

taluk in the death register after receipt of prescribed fee from the petitioner.

No order as to costs.

However, this order is not the conclusive proof of exact date of death of above said person.

(Dictated to the stenographer directly on the computer, script revised, corrected and signed by me and then pronounced in the open court on this the 31st day of January - 2023)

(Kishor Kumar M.)

I Addl. Civil Judge & JMFC.,
Nanjanagudu

ANNEXURE

1. List of Witnesses examined by the petitioner:

PW.1 Sri. Yellaboyi

2. List of documents marked by the petitioner:

Ex.P1	Non Availability Certificate
Ex.P2	Times of Nanjanagudu Daily Kannada Newspaper dated : 15.11.2022
Ex.P2(a)	Relevant portion of Ex.P2
Ex.P3	Aadhar card
Ex.P4	Genealogical tree

3. List of witnesses examined by the respondent:

-Nil-

4. List of documents marked by the respondent:

-Nil-

I Addl. Civil Judge and JMFC.,
Nanjanagudu