

KABC030631592022



**IN THE COURT OF THE XIX ADDL.CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.**

**PRESENT:SRI.FAROOQ ZARE,B.A.(Law)LL.B.L.L.M.
XIX ADDL.C.M.M., BENGALURU.**

DATED THIS THE 16th DAY OF SEPTEMBER 2022

CRIMINAL MISCELLANEOUS NO.4870 of 2022

Petitioner **:-1 Umesh Kumar Shukla**
S/o Late. Bihari Lalji Shukla,
Aged about 53 years,

:-2 Shobha Shukla
W/o Umesh Kumar Shukla,
Aged about 47 years,

Both are residing at
No.62, Panchwatti parisar,
Near Sudhar Niwas Colony,
Hoshangabad,
Madhya Pradesh-461001.

(By Sri.S.H.M.Y. Advocate)

-V/s-

Respondent :- The Registrar/Commissioner
of Birth and Death Section,
Legal Cell, 5th Floor, BBMP Office,
NR Square, Bengaluru-56002.

(Exparte)

ORDER

1. The petitioners have filed this petition under Section 13(3) of Karnataka Registration of Birth and Death Act 1969 for entering the date of death of **Somesh Shukla S/o Umesh Kumar Shukla**, who died on **05.01.2018**, in the register maintained by the office of the respondent.

2. In the petition it is stated that the deceased **Somesh Shukla S/o Umesh Kumar Shukla** is son of the petitioners who died on **05.01.2018** in **St.Johns Medical Hospital Bengaluru**. The petitioners need their son's death certificate for documentation purpose. It is stated that the petitioners have submitted an application to respondent for issuing

death certificate of deceased **Somesh Shukla** for which respondent issued a non-availability certificate. For the reasons stated supra petitioners pray to allow the petition.

3. The notice was issued to the respondent, same was duly served but respondent remained absent before the court and placed exparte. The paper publication got issued in the daily newspapers by names “Business Standard” and “Hosa Digantha” calling upon objections from the interested persons who will likely to be affected by the order of this court. On the date of appearance, none appeared to oppose the petition. In the evidence the petitioner No.1 has got examined himself as PW1, in his oral evidence reiterated petition averments and got marked Ex.P1 to Ex.P11. Since the respondent placed exparte, the evidence of PW1 is remained unchallenged.

4. Heard the arguments and perused the petition.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is deserved to be allowed.?

Point No.2: What order?

6. My findings to the above points are as here under;

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

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

REASONS

7. **Point No.1:-** The petitioners have stated that, their deceased son by name **Somesh Shukla S/o Umesh Kumar Shukla** died on **05.01.2018** in St.Johns Hospital, Bengaluru. Petitioners have submitted an application before the respondent for issuing death certificate of their son but the respondent

issued a non availability certificate Ex.P1. The respondent remained absent and placed exparte.

8. In view of the judgment reported in 2013(4) KCCR 3493 in the case of Smt.Muniyamma and others v/s Devegowda and others, the notice issued through paper publication for interested persons in daily newspapers by names “New Indian Express” and “Hosa Digantha”, whereas none appeared to contest the petition.

9. The petitioner No.1 himself examined as PW1 and got marked Ex.P1 to Ex.P11. Ex.P1 is the non-availability certificate, Ex.P2 to Ex.P4 are notarized copies of Aadhaar card of petitioner No.1 and 2 as well as deceased Somesh Shukla respectively, Ex.P5 notarized copy of Death Report, Ex.P6 is notarized copy of Cause of Death Certificate, Ex.P7 is Embalming Certificate, Ex.P8 is notarized copy of Cash Receipt,

Ex.P9 is Family Tree, Ex.P10 and Ex.P11 are the daily newspapers by names “Business Standard” and “Hosa Dingantha”. **Ex.P5** is notarized copy of Death Report discloses that deceased **Somesh Shukla S/o Umesh Kumar Shukla** passed away on **05.01.2018** in St.Johns Hospital, Bengaluru. Since the respondent remained absent and placed exparte, even after issuing the paper publications none appeared to oppose the petition. The averments of the petition, the evidence of PW1 and the documents at Ex.P1 to Ex.P11 are remained unchallenged and there are no grounds to disbelieve the case of the petitioners. Hence, I answer **point No.1** in the **Affirmative**.

10. **Point No. 2**: In view of my findings to the point No.1, I proceed to pass the following;

O R D E R

The petition is **allowed**.

The respondent is hereby directed to enter the date of death of deceased **Somesh Shukla S/o Umesh Kumar Shukla**, as he died on **05.01.2018**, in the concerned register and issue death certificate accordingly on collecting necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected by me and then pronounced in the Open Court on 16th September, 2022.)

(Farooq Zare)
XIX A.C.M.M., BENGALURU.

:: ANNEXURE ::

I. List of witnesses examined by petitioner:-

PW.1 :- Umesh Kumar Shukla.

II. List of exhibits marked by respondent:-

Ex.P1	:- Non-availability Certificate.
Ex.P2 to Ex.P4	:- Notarized copies of Aadhaar card.
Ex.P5	:- Notarized copy of Death Report.
Ex.P6	:- Notarized copy of Cause of Death Certificate.

- Ex.P7 :- Embalming Certificate.
Ex.P8 :- Notarized copy of Cash Receipt.
Ex.P9 :- Family Tree.
Ex.P10 & Ex.P11 :- Daily newspapers "Business Standard" and "Hosa Digantha".

III. List of witnesses examined by respondent:- -NIL-

IV. List of exhibits marked by respondent:- - NIL-

(Farooq Zare)
XIX A.C.M.M., BENGALURU.