

KA14070011912026



IN THE COURT OF JMFC-III, SHIVAMOGGA

:: P R E S E N T ::

SMT. SHRUTHI V.

B.A., LL.B., LL.M.,

JMFC-III, SHIVAMOGGA

CRIMINAL MISCELLANEOUS No.92/2026

DATED THIS THE 31st DAY OF JULY, 2026

PETITIONER :

Smt.Kusuma D/o. Late Hanumanthappa,
W/o Ramappa.T
Aged about 53 years,
R/o. Near Krushi college,
Savalanga road,
Channamumbapura,
Abbalagere Post,
Shivamogga.

(By Sri V.T.K., Advocate)

-. Versus -.

RESPONDENTS :

1. The Birth & Death registrar,
City Corporation,
Shivamogga.
2. Smt. Jayamma W/o. late Mallesha,
Aged about 62 years,
R/o. Mallapura,
Holehonnuru Hobli,
Bhadravathi Taluk,
Shivamogga District.

3. Smt.Shruthi.M,
D/o. late Mallesha,
Aged about 35 years,
R/o. Mallapura,
Holehonnuru Hobli,
Bhadravathi Taluk,
Shivamogga District.

(Ex-parte)

* * *

**ORDER ON APPLICATION FILED UNDER SECTION 13(3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

This is a petition filed by the petitioner seeking direction to the respondent No.1 to issue death certificate of her sister, by mentioning the date of death and name as Susheela D/o Late Hanumanthappa on 05.03.2003.

2. The brief facts of the case of the petitioner is as follows:

That the petitioner is the sister and respondent No.2 is the sister-in-law and respondent No.3 is the elder brother's daughter (Niece) of deceased Susheela D/o Late Hanumanthappa. She has further stated that, Susheela D/o Late Hanumanthappa died on 05.03.2003 at her residence situated at Thevarachatnahalli, Shivamogga. The date of death of Susheela D/o Late Hanumanthappa and other particulars were not entered in the register maintained by the respondent No.1. For future necessities she is in need of the death certificate of deceased. As such, she has approached

the respondent No.1 seeking the same. In response a non-availability certificate has been issued by the respondent No.1. Hence, this petition is filed.

3. In spite of due service of the notice on the respondents, they remained absent. Hence, they have been placed exparte.

4. In support of the petition, the petitioner got examined herself as PW-1 by way of affidavit filed by her in lieu of her oral examination-in-chief got marked 07 documents as per Ex.P.1 to Ex.P.5. The Ex.P.1 is original non-availability certificate, Ex.P.2 is the notarized copy of affidavit of genealogical tree of petitioner's family, Ex.P.3 is the notarized copy of aadhar card of petitioner and Ex.P.4 and Ex.P.5 are the paper publications. PW-1 is not cross-examined by the other side as the respondents remained absent and have been placed exparte.

5. Heard the arguments from the learned counsel for petitioner and perused the records.

6. The points that arise for my consideration are that:

- 1. Whether the petitioner has made out grounds to grant the relief as prayed for in the petition?**
- 2. What Order ?**

7. My findings to the above points are as under:

Point No.1:- In the Affirmative.

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

:: R E A S O N S ::

8. **Point No.1:-** This Court has already narrated the factual matrix of the petition in the above paragraphs. Hence, the repetition of the same is not necessary. The evidence given by PW-1 by way of affidavit filed by her in lieu of her oral examination-in-chief corroborates with the documents Ex.P.1 to Ex.P.5 as before approaching this Court, the petitioner has approached the respondent No.1, for which, the authority concerned has issued Ex.P.1 - non-availability certificate. In addition to this, the other document i.e., Ex.P.2 document justify the fact that the petitioner is the sister of deceased Susheela D/o Late Hanumanthappa. Apart from that, the documents Ex.P.4 and Ex.P.5 - paper publications made therein as per Ex.P.4 and Ex.P.5 would also justify the fact that inspite of publications of the notice in the paper having wide circulation, none of the interested parties/objectors appeared to challenging the petition. As the oral and documentary evidence given by PW-1 remained unquestioned and unchallenged, there appears no impediment to this Court to grant the relief as prayed for in this petition. Hence, this Court answered the point No.1 in the **Affirmative**.

9. **Point No.2:-** In view of my finding on the above point, I proceed to pass the following;

:: O R D E R ::

The present petition filed under Section 13(3) of the Registration of Births and Deaths Act, 1969, is hereby allowed and consequently, the respondent No.1 is directed to make necessary entry of death of Susheela D/o Late Hanumanthappa who died on 05.03.2003 at her residence situated at Thevarachatnalli, Shivamogga, in the register of death after collecting requisite fee in this regard.

The respondent No.1 is also directed to mention in the death certificate that the same is issued in pursuance of this order.

It is made clear that, if any dispute arises in connection with the name, date or place of death, it will be subject to the decision of the competent Civil Court.

No order as to costs.

(Dictated to the Stenographer Grade-III directly on the computer, typed by him, corrected and then pronounced by me in open Court, this the **31st day of July, 2026**)

**(SMT. SHRUTHI V.)
JMFC-III, SHIVAMOGGA**

:: A N N E X U R E ::

List of witnesses examined on behalf of the petitioner :

PW-1 : Smt.Kusuma

List of witnesses examined on behalf of the respondents :

-: Nil :-

List of exhibits marked on behalf of the petitioner :

Ex.P.1 : Original non-availability certificate
Ex.P.2 : Notarized copy of affidavit of
genealogical tree of petitioner's family
Ex.P.3 : Notarized copy of aadhar card of petitioner,
Ex.P.4 and 5 : Paper Publications

List of exhibits marked on behalf of the respondents :

-: Nil :-

**(SMT. SHRUTHI V.)
JMFC-III, SHIVAMOGGA**

Order pronounced in the open Court
(vide separate order)

:: ORDER ::

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JMFC-III, SHIVAMOGGA