

**IN THE COURT OF THE XXV ADDL.CHIEF
METROPOLITAN MAGISTRATE, BANGALORE CITY.**

Dated this the 29th day of October, 2022.

Present: Smt Sujata Sidagouda Patil,

B.SC.,LL.B.

**XXV Addl. Chief Metropolitan Magistrate,
Bangalore.**

CrL.Misc.No.5537/2022

Petitioner :

1.Manjula.G.N

D/o.Nagaraja Reddy

W/o.Raghavendra.V

Aged 45 years

R/at No.8010, 1st Cross

Channapa Badavane

Nelamangala 562 123.

2. Mahalakshmi.G.N

D/o.Nagaraja Reddy

W/o.Chandrashekar.P.

Aged 43 years

R/at No. 027,

Channapa Badavane

Nelamangala 562 123.

(By : MM- Advocate)

- Vs -

Respondent :

The Commissioner

Bruhat Bangalore Mahanagara Palike

Bangalore.

**ORDERS ON PETITION FILED U/S 13(3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT 1969**

The Petitioners have filed the petition U/s.13(3) of Birth and Death Registration Act, 1969.

2. Brief facts of the Petitioners case is as follows :

The deceased Nagaraja Reddy S/o.Gundappa is the Father of the Petitioners. The father of the petitioners Nagaraja Reddy S/o.Gundappa expired on 27.09.1989 at Gunjuru Village, Varthur, Bangalore 560 087. The fact of death is not intimated to the concerned authority since the petitioners and their family members were in deep shock and the petitioner had directed the family members to intimate the same to the respondent. The petitioner was under the impression that the death of her father was entered in the death register. The Petitioner approached the Respondent to issue the death certificate. The Respondent has issued non-availability certificate. Death Certificate of deceased is necessary for legal and bonafide reason. Hence, prayed to allow the petition.

3. Notice served to the Respondent. But, Respondent failed to appear before the court. Therefore, Respondent is placed exparte.

4. Now, the following points arise for due consideration. :

1. Whether the Petitioners have made out sufficient grounds to allow the petition?

2. What order?

5. My findings on the above point is in the “Affirmative”, for the following :

: REASONS :

6. Point No.1 : The Petitioners filed the petition U/s.13(3) of Birth and Death Act. The Petitioner No.1 has contended that Petitioner No..2 is her sister. The father of the petitioners

Nagaraja Reddy S/o.Gundappa expired on 27.09.1989 at Gunjuru Village, Varthur, Bangalore 560 087.

In support of the Petitioners contention, Petitioner No.1 herself is examined as PW 1 and reiterated the petition averments. The Petitioner has produced the Non Availability Certificate, Notarized copies of Death Report, Aadhaar Cards, Death Certificate of Late Rajamma, Original Family Tree Affidavit and the Paper publications as Ex.P.1 to Ex.P.8. The documents on record disclose the relationship of the petitioners with the deceased.

7. Admittedly, the date of death of the Father of Petitioners is not entered in the birth and death register maintained by the Respondent. The Respondent has issued non-availability certificate, which is marked as Ex.P.1.

8. **In ILR 2013 Karnataka 4703(Smt.Muniamma and Ors V/s.Devegowda and Ors** it is specifically laid down the procedure to be followed in delay of registration of birth and death. As per the judgment, the Petitioner has published the matter in local newspapers and produced the copy of the newspapers. The same is marked as Ex.P.7 and Ex.P.8. On the basis of the paper publications, no one has appeared before the court and filed any objection. The Petitioners have complied all the requirement as per the judgment cited above.

9. The Petitioners have proved that the father of the petitioners Nagaraja Reddy S/o.Gundappa expired on 27.09.1989 at Gunjuru Village, Varthur, Bangalore 560 087 and said fact is not reported to the Respondent within time. The death certificate of deceased Nagaraja Reddy S/o.Gundappa is required to the

Petitioners for bonafide purpose. If the petition is allowed, no hardship or prejudice would be caused to the Respondent. The Respondent has not appeared before the court and filed any objection. There is no dispute about death of father of the petitioners Nagaraja Reddy S/o.Gundappa. The documents on record also prove the relationship of the petitioners with the deceased. Therefore, the petitioners have made out sufficient grounds to allow the petition. Hence, my answer to Point No.1 is in the Affirmative.

10. Point No.2 : In view of the aforesaid reasons, I proceed to pass the following:

ORDER

*The petition filed by the
Petitioners U/S 13(3) Registration of
Birth and Death Act is hereby allowed.*

*The respondent is hereby directed to
enter the date of death of the father of
the petitioners Nagaraja Reddy
S/o.Gundappa at Gunjuru Village,
Varthur, Bangalore 560 087 as 27.09.1989
in the concerned register and issue death
certificate to the Petitioners after
collecting late requisite fee.*

(Dictated to the Stenographer directly on the computer and typed and print out taken by her, corrected and signed by me and then pronounced in the open Court on this the 29th day of October, 2022).

(SUJATA SIDAGOUDA PATIL)
XXV A.C.M.M., BANGALORE.

ANNEXURE**List of Witnesses examined for the Petitioner :**

PW.1 : Manjula G.N.

List of Witness examined for the Respondent :

Nil

List of Documents marked for the Petitioner :

Ex.P1 : Endorsement issued by the Commissioner,
BBMP.

Ex.P2 : N.C. of Death Report

Ex.P3 : N.C. of Aadhaar Card.

Ex.P4 : N.C. of Aadhaar Card

Ex.P5 : N.C. of Death Certificate.

Ex.P6 : Affidavit of Family Tree

Ex.P7 : Paper Publications

& 8

List of Documents marked for the Respondent :

Nil

(SUJATA SIDAGOUDA PATIL)

XXV A.C.M.M., BANGALORE.