

KACM030013322024



**IN THE COURT OF THE I ADDL. CIVIL JUDGE
AND JMFC AT CHIKKAMAGALURU**

PRESENT

**Sri. Harish G.,
M.B.A., L.L.B.,
I Addl.Civil Judge & JMFC.,
Chikkamagaluru**

Dated: this the 18th day of May 2024

Crl.Misc.No.297/2024

Petitioners:

1. Sri. Ravindra Shetty S/o late K.Narayana Shetty, Aged about 63 years, R/o Anchelinganna Beedi, Basavanahalli, Chikkamagaluru City.
2. Sri. K. Ramachandra Shetty S/o late K.Narayana Shetty, Aged about 60 years, R/o Lalitha Farm, Srinivasapura, Bangalore.
3. Smt. Anusuya B.N. D/o late K.Narayana Shetty, W/o V.S.Nagaraj, Aged about 55 years, R/o Chunchannaghatta Main Road, Beereshwara Nagara, Konanakunte, Bangalore South.

4. Sri. Nagaraj Shetty S/o late K.Narayana Shetty, Aged about 53 years, R/o 3rd Cross, Pension Mohalla, Chikkamagaluru City.

[By Sri. C.K.Jagadeesha., Advocate]

-Vs-

Respondent: The Registrar of Births and Deaths, CMC, Chikkamagaluru.

[Absent]

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ORDER ON MAIN PETITION

The petitioners have filed this petition Under Section 13(3) of the Registration of Births and Deaths Act, 1969 praying to direct respondent to register the date of death of the deceased by name Smt. Gulabi W/o late K.Narayana Shetty who is the mother of petitioners died on 02.03.2009.

2. Petitioners case in brief is as follows:

It is stated that, Smt. Gulabi W/o late K.Narayana Shetty who is the mother of petitioners died on 02.03.2009 in the residential house of petitioner no.4. Due to lack of information and knowledge of petitioners, death of Smt. Gulabi W/o late K.Narayana Shetty could not be able to inform to respondent. Hence the same is not entered in

the concerned register maintained by respondent. The death extract is absolutely necessary to produce the same before the concerned authorities and also keeping record purposes. When the petitioners approached for death extract of Smt. Gulabi W/o late K.Narayana Shetty, who died on 02.03.2009 the respondent issued non-availability certificate dated 31.08.2023 stating non availability of such death entry by advising to approach this court for necessary orders. Hence, this petition.

3. After filing of this petition, this Court has issued notice to the respondent. In pursuance of notice, respondent has not put his appearance to object this petition.

4. After filing of this petition, order was passed for publishing the petition in two newspapers and accordingly it was published in two widely circulated newspapers, namely Jilla Varadhigara Jayamithra and News Nest but in spite of due circulation, no objectors appeared before this Court.

5. In order to prove their case, petitioner No.1 examined as P.W.1 and got marked documents at Ex.P1 to Ex.P6.

6. The following points arise for my consideration :

- 1) Whether the petitioners are entitled to the reliefs claimed ?
- 2) What order ?

7. My answers to the above points, are as hereunder :

Point No.1 : In the Affirmative ;

Point No.2 : As per final Order,
for the following:

REASONS

8. **Point No.1** : This is an petition filed by the petitioners, praying to direct the respondent to register the date of death of deceased by name Smt. Gulabi W/o late K.Narayana Shetty , who is the mother of petitioners died on 02.03.2009, in the concerned register. In order to prove their case, petitioner No.1 examined as P.W.1 who has reiterated the petition averments in his chief examination. In addition to his oral testimony, petitioners have relied upon documents at Ex.P1 to Ex.P6.

9. Ex.P.2 is the Genealogical Tree issued by Revenue Department, Ex.P3 is the Notarized copy of Genealogical Tree, Ex.P4 is the true copy of Aadhar cards of petitioner no.1, Ex.P5 and Ex.P6 are the paper publications and

Ex.P5(a) and Ex.P6(a) are particular portions of paper publications which show that, in spite of paper publications, none of the objectors have put their appearance in this case. Ex.P1 is the non-availability certificate, which reveals that, there is no entry regarding the date of death of Smt. Gulabi W/o late K.Narayana Shetty in the register maintained by respondent. Thus, the documents at Ex.P1 to Ex.P6 corroborate the oral testimony of P.W.1, as well as the case of the petitioners. The respondent has not filed any objections. Hence, the case of the petitioners remained unchallenged.

10. By looking into the affidavit sworn to by P.W.1, all the documents produced, and also taking into consideration the observation made in 2000(4) KCCR 2674, I find no impediment in allowing the petition depending upon the affidavit sworn to by the petitioner No.1 and the documents relied by him. Accordingly, I answer Point No.1 in the **"Affirmative"**.

11. **Point No.2** : In view of all the discussion made above, I proceed to pass the following :

ORDER

The petition filed by the petitioners Under Section 13(3) of the Registration of Births and Deaths Act 1969, is hereby allowed.

The respondent is hereby directed to register the date of death of deceased by name Smt. Gulabi W/o late K.Narayana Shetty died on 02.03.2009, in the concerned register.

Issue direction to respondent, to issue death certificate accordingly, after collecting necessary late fee from the petitioners.

(Dictated to the stenographer directly on computer, computerized by her, corrected by me and then pronounced in open court on this the 18th day of May 2024)

Sd/-

[Harish G.]

I Addl.Civil judge and J.M.F.C.,
Chikkamagaluru.

ANNEXURE**List of witnesses examined on behalf of the petitioners:**

P.W.1 : Sri. K.Ravindra Shetty

List of documents marked on behalf of the petitioners:

- Ex.P1: Non availability certificate
- Ex.P2: Genealogical Tree issued by revenue department
- Ex.P3: Notarized copy of Genealogical Tree
- Ex.P4: True copy of Aadhar card of petitioner no.1
- Ex.P5 & 6: Jilla Varadhigara Jayamithra daily and news nest daily paper
- P5(a)&6(a): Relevant portion of publication of court notice marked in the news paper.

List of witnesses examined on behalf of the respondent:

-NIL-

List of documents marked on behalf of the respondent:

-NIL-

Sd/-

(Harish G.)

I Addl.Civil Judge & JMFC.,
Chikkamagaluru.