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**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
AND J.M.F.C., AT SIRA.**

PRESENT: SRI. SANDEESH T.L., B.COM., LLB.
PRL. CIVIL JUDGE AND JMFC,
SIRA.

DATED THIS THE 12th DAY OF DECEMBER 2022

Crl.Misc.474/2022

Petitioner/s:

1. Smt. Hanumakka W/o late Narasappa,
a/a 80 years,
 2. Smt. Sanjeevamma D/o late Narasappa,
a/a 60 years,
 3. Smt. Gangamma D/o late Narasappa,
a/a 58 years,
 4. Smt. Lakshamma D/o late Narasappa,
a/a 56 years,
 5. Smt. Lokamma D/o late Narasappa, a/a
54 years,
 6. Hanumantharayappa S/o late
Narasappa, a/a 52 years,
 7. Ranganatha S/o late Narasappa, a/a 50
years.
- All are residing at Malleswara village,
Kasaba hobli, Sira Taluk.

(By Sri. C. Manjunatha, Advocate)

V/s

Respondent/s: The Tahasildar, Grade-2,
Sira Taluk, Sira.

(Exparte)

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**ORDER**

The petitioners have filed this petition praying to direct the respondent to enter the date of death of husband of petitioner No.1 and father of petitioner No.2 to 7 by name Narasappa S/o late Narasimhappa @ Naraseeyappa, who died on 28/05/2007 at Malleshwara village, Kasaba hobli, Sira Taluk, in the register maintained by the respondent.

2. Brief facts of the petition averments that the husband of petitioner No.1 and father of petitioner No.2 to 7 by name Narasappa S/o late Narasimhappa @ Naraseeyappa has died on 28/05/2007 at Malleshwara village, Kasaba hobli, Sira Taluk. But his death event has not registered in the death register maintained by the respondent. Hence, the petitioners have gave an application to issue death certificate of Narasappa S/o late Narasimhappa @ Naraseeyappa. But the respondent had issued an endorsement stating that the date of death of Narasappa S/o late Narasimhappa @ Naraseeyappa has not found in the register maintained by them. The Death Certificate is required to get Government benefits. Hence, the petitioners have filed this petition seeking directions to the respondent to enter the date of death of Narasappa S/o late Narasimhappa @ Naraseeyappa in their register.

3. Notice on respondent duly served. But they have not

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appeared before the Court. Hence, they placed ex-parte.

4. In order to call for the objections from the concerned persons on the death event of Narasappa S/o late Narasimhappa @ Naraseeyappa, the public notice has been issued in two daily newspapers. But no one concerned persons have appeared before the Court to file any objections.

5. In order to prove the claim, the petitioner No.6 himself got examined as PW.1 and seven documents have produced and marked as Ex.P.1 to P.7.

6. Heard arguments. Perused.

7. On the basis of above following points are arises for my determination:

- 1) *Whether the petitioners prove that Narasappa S/o late Narasimhappa @ Naraseeyappa has died on 28/05/2007 and they have entitled directions to the respondent as sought for?*
- 2) *What order?*

8. My answers 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:

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REASONS

9. **Point No.1:** It is a petition by the petitioners seeking directions to the respondent to enter the date of death of husband of petitioner No.1 and father of petitioner No.2 to 7 by name Narasappa S/o late Narasimhappa @ Naraseeyappa, who died on 28/05/2007 at Malleshwara village, Kasaba hobli, Sira Taluk. In order to prove the death event, the petitioner No.6 himself got examined as PW.1 and he re-iterates the petition averments in his affidavit. Apart from the oral evidence, he has produced copy of non-availability certificate as Ex.P.1 and it evidencing that the death event of *Narasappa S/o late Narasimhappa @ Naraseeyappa* has not registered in the death register. Ex.P.5 and P.6 are the public notices issued through paper publication in two daily newspapers namely Suvarna Times of Karnataka and Gangavahini in order to call for the objections from the concerned persons on the death event of *Narasappa S/o late Narasimhappa @ Naraseeyappa*. The death event has been duly published inspite of that no one has come before the Court to file the objections on the death event of *Narasappa S/o late Narasimhappa @ Naraseeyappa*. As per the oral testimony of PW.1, it appears that, the said *Narasappa S/o late Narasimhappa @ Naraseeyappa* has died on 28/05/2007. Since the respondent is placed ex-parte, the evidence

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of PW.1 remained unchallenged. Hence, this Court has no hesitation to believe the oral testimony of PW1. On the basis of the evidence of PW.1, it could be hold that *Narasappa S/o late Narasimhappa @ Naraseeyappa has died on 28/05/2007*. Accordingly, as per the above evidence, it appears that *Narasappa S/o late Narasimhappa @ Naraseeyappa has died on 28/05/2007*. Hence, the petitioners are entitled for direction to the respondent as sought for. Accordingly, I answered Point No.1 in the ***Affirmative***.

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

ORDER

The petition filed by the petitioners is hereby allowed.

The respondent is hereby directed to enter the date of death of husband of petitioner No.1 and father of petitioner No.2 to 7 by name **Narasappa S/o late Narasimhappa @ Naraseeyappa** (ನರಸಪ್ಪ ಬಿನ್ ನರಸಿಂಹಪ್ಪ @ ನರಸೀಯಪ್ಪ), **who died on 28/05/2007 at Malleshwara village, Kasaba hobli, Sira Taluk**, and issue death certificate by collecting fee and penalty if any.

It is made it clear that, if any dispute arises in connection with the date of death

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or place of death, it will be subject to the
decision of the competent Civil Court.

(Directly dictated to the Typist on computer, typed by her, corrected by me and then
pronounced in the Open Court on 12th day December 2022.)

(**SANDEESH T.L.**)
Prl. Civil Judge & JMFC.,
Sira.

ANNEXURE

I. List of witnesses examined by Petitioner/s:

PW1 : Hanumantharayappa S/o late Narasappa

II. List of documents exhibited by Petitioner/s:

Ex.P1 : Non Availability Certificate
Ex.P2 : True copy of Genealogical tree
Ex.P3 : Notarized Certificate
Ex.P4 : Notarized Aadhar Card
Ex.P5 : Suvarna Times of Karnataka News Paper
Ex.P6 : Gangavahini News paper
Ex.P7 : Pahani

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III. List of witnesses examined by Respondent:

-NIL-

IV. List of documents exhibited by Respondent:

-NIL-

(SANDEESH T.L.)
Prl. Civil Judge & JMFC.,
Sira.