

08.11.2021

Orders

ORDER ON BIRTHS AND DEATHS REGISTRATION ACT

The petitioner has filed this petition U/S.13(3) of Birth and Death Registration Act. It is alleged in the petition that the date of death of petitioner's husband by name **MAHENDRAN, S/o MUNISWAMY, dated 28.10.1996** has not been entered in the Birth and Death Register maintained by the Respondent.

02. After registration of the petition, paper publication taken. In spite of service of notice, the respondent BBMP remain absent. Hence, placed *exparte*. In response to the paper publication, no other persons appeared to contest the present petition.

03. Petitioner No.1 has given evidence as P.W.1 herself and on behalf of petitioner No. 2 and got marked documents from Ex.P.1 to 10. Respondent has not led any evidence.

04. Heard arguments, perused the materials on record.

05. Petitioner No.1 has given evidence as P.W.1 for herself and on behalf of petitioner No. 2 and produced the documents at Ex.P.1 to 10. Ex.P.1 is the non availability certificate issued by the Commissioner, BBMP, Bengaluru. Ex.P.2 is the notarized copy the residence confirmation letter of the petitioner, Ex.P.3 is the family tree affidavit of the petitioner, Ex.P.4 is the notarized copy Voter ID card of the petitioner's husband, Ex.P.5 to 7 are the notarized copies of the ration card, Aadhar cards of the petitioner and her son, Ex.P.8 is the notarized copy of the transfer certificate of the petitioner's son.

The petitioners have issued advertisement in **"THE NEW INDIAN EXPRESS"** English daily news paper as per Ex.P. 9 and **"HOSA DIGANTHA"** Kannada daily news paper as per Ex.P.10 and regarding filing of this petition seeking direction to the concerned Birth and Death Registrar to made entry of the date of death of petitioner's husband by name **MAHENDRAN, S/o MUNISWAMY**, and calling objection from anybody interested in this case. But, in spite of these two public notices, no one has appeared and contested the petition.

06. The family tree affidavit prima - facie reveals that, the petitioners' appears to be wife and son of deceased **MAHENDRAN, S/o MUNISWAMY**.

07. The evidence of PW. 1 and the document at Ex.P.2 has clearly shows that, petitioner's husband by name **MAHENDRAN, S/o MUNISWAMY**, was died on **28.10.1996**. The document at Ex.P.2 being a document issued by the Former Mayor & Corporator of the BBMP, public authorities and has got presumptive value under section 35 of the Evidence Act. The endorsement dated 11.08.2021, issued by The Commissioner, BBMP, Bengaluru, marked at Ex.P.1 reveals that the death of petitioner's husband by name **MAHENDRAN, S/o MUNISWAMY**, was not registered in the concerned register.

08. In spite of sufficient opportunities, Learned Counsel for respondent neither filed objections nor cross examined PW.1. There is nothing on record to disbelieve the case of petitioners. The registration date of death of the husband of the first petitioner is required for further correspondence

and to avoid future consequences. Hence, the petition is entitled to be allowed. Accordingly, the following;

ORDER

Petition filed under section 13(3) of the registration of Birth and Death Act by the petitioners' is hereby allowed.

Respondent is directed to cause entry in the concerned register, the date of death of the petitioner's husband by name **MAHENDRAN, S/o MUNISWAMY**, who was died on **28.10.1996** at their residence situated at **No.71, Venkateshwara Temple Road, Rajajinagar, Bengaluru-560 010.**

The respondent is directed to issue **Death Certificate** accordingly, after collecting necessary late fee from the petitioner.

{Dictated to the stenographer directly on computer, corrected and then signed by me and then pronounced in the open court on this 8th day of November 2021}.

(BHOLA PANDIT)
XX ACMM, Bengaluru.