

KARN320019242023



Presented on : 11-08-2023
Registered on : 11-08-2023
Decided on : 22-01-2024
Duration : 0 years, 5 months, 11 days

**IN THE COURT OF THE I ADDL CIVIL JUDGE & J.M.F.C.,
AT KANAKAPURA.**

**Present: Smt. SAVITA RUDRAGUDA
CHIKKANAGOUDAR, B.A., L.L.B.,
I Addl. Civil Judge & JMFC.,
Kanakapura.**

Dated: This 22nd day of January 2024

CRL. MISC. No.492/2023

Petitioner :

1. Smt. Govindamma
D/o late Venkataramegowda
And late Venkatamma
Aged about 70 years,
2. Smt. Chikka Govindamma
D/o late Venkataramegowda
And late Chinnakannamma
Aged about 50 years,

Both are R/at:
Hosadoddi Village,
Kodihalli Hobli,

Kanakapura Taluk,
Ramanagara District.

(By Sri.Vijaykumar.H.P, Adv.)

//Versus//

Respondent : 1. The Registrar of Birth and Death
Rep. by Tahasildar,
Kanakapura Taluk,
Kanakapura.

2. The Village Accountant,
Hosadoddi Village,
Kodihalli Hobli,
Kanakapura Taluk,
Ramanagara District.

(Exparte)

O R D E R

This is the Crl.Mis.Petition filed by the petitioner U/s.13(3)(b) of Registration of Births and Deaths Act 1969.

2. In the petition, the petitioners have stated that they are the legal representatives of deceased namely “**Sri. Venkatarammegowda S/o late Venkatarammegowda**” died on **23.03.2003** at their residence at Hosadoddi Village, Kodihalli Hobli, Kanakapura Taluk, Ramanagara District, when they approached the respondents seeking his death certificate, the respondents issued an endorsement regarding non availability

of the death entry. And petitioners have further stated that the death certificate of him is required for change of Katha.

3. The respondents did not appear before the court though the notice was served upon them. Hence, they were remained absent.

4. The petitioner No.2 examined herself as PW.1 and got examined one more witness as PW.2 and got 8 documents marked as Ex.P1 to Ex.P8.

5. I heard learned counsel for the petitioners and perused the materials.

6. The points for consideration are as under:-

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

2. What Order?

7. The answers to points above are:-

Point No.1 :- In the Affirmative.

Point No.2 :- As per my final order.

:: R E A S O N S ::

8. **Point No.1:-** P.W.1 has deposed as averred in the petition. The petitioner No.2 has stated that her father by

name **Sri. Venkatarammegowda S/o late Venkatarammegowda**” died on **23.03.2003**. Ex.P1 is the Non-available certificate issued by respondent on 14.07.2022, Ex.P2 is the Notarized copy of Genealogical Tree, Ex.P3 is the Notarized copy of Declaration Genealogical Tree, Ex.P4 is the Notarized copy of Aadhar card of another petitioner, Ex.P5 is the Notarized copy of Aadhar card of PW-1, Exs.P6 and 7 are the paper publication issued in Udayakala and Vishwavani daily news papers and Ex.P8 is the Notarized copy of Aadhar card of PW-2. In response to paper publication issued no interested persons have appeared before the court to contest the case of the petitioners. P.W.2 has supported the version of P.W.1.

9. Under Sec.13 of the Registration of Births and Deaths Act 1969, the Magistrate of the First Class has power to pass an order to the concerned authority established under the statute to make necessary entries pertaining to the death or birth of any person whose birth or death has not been registered within one year of its occurrence.

10. The above materials on record have supported the claim of the petitioners. There is no contra material from the side of the respondents. Therefore, I am of the opinion that

the instant petition deserves to be allowed. Hence, **Point No.1** is answered in the **Affirmative**.

11. **Point No.2:-** In the light of the above discussion, I proceed to pass the following:-

:: ORDER ::

The Crl.Misc.Petition filed by the petitioners U/s.13(3)(b) Registration of Births and Deaths Act 1969 is hereby allowed.

The respondents are hereby directed to register the death particulars of one **Sri. Venkataramegowda S/o late Venkataramegowda**” died on **23.03.2003** at his residence at Hosadoddi Village, Kodihalli Hobli, Kanakapura Taluk, Ramanagara District, in the concerned death register by collecting fee, if any, as per rules.

No order as to costs.

(Dictated to the stenographer and transcribed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the **22nd day of January 2024**).

Sd/-
(SAVITA RUDRAGUDA
CHIKKANAGOUDAR)
I Addl. Civil Judge & JMFC,
Kanakapura.

ANNEXURES**List of the Witnesses examined on behalf of Petitioner:**

P.W.1 : Chikkagovindamma

P.W.2 : Venkataramu

List of the Documents marked on behalf of Petitioner:

Ex.P1 : Non-Availability Certificate

Ex.P2 : Notarized copy of Genealogical Tree

Ex.P3 : Notarized copy of Declaration
Genealogical Tree

Ex.P4 : Notarized Aadhar card

Ex.P5 : Notarized Aadhar card of PW-1

Exs.P6 & 7 : Udayakala and Vishwavani

Ex.P8 : Notarized Aadhar card of PW-2

List of the Witnesses examined on behalf of Respondents:

--Nil--

List of the Documents marked on behalf of Respondents:

--Nil--

Sd/-

I Addl. Civil Judge & JMFC,
Kanakapura.