

KAHS030052662023



Presented on : 05-08-2023

Registered on : 05-08-2023

**IN THE COURT OF VII ADDL. CIVIL JUDGE AND JMFC,
HASSAN.**

Dated this the 30th Day of September 2023

:: PRESENT ::

SRI. SHISHIRA. R.

B.A, L.L.B., .

**VII Addl. Civil Judge & J.M.F.C.
Hassan.**

CrI.Misc. 599/2023

Petitioner/s : Sri. Sannaswamy
S/o Late Puttegowda,
Aged about 60 years,
R/at: Kattehosalli Village,
Kattaya Hobli,
Hassan Taluk.

(By Sri. Manjunatha. Advocate)

- Versus -

Respondent: Tahsildar,
Registrar of Births and Death,
Hassan .

(Exparte)

ORDERS

Petitioner has filed this petition under Sec. 13(3) of Registration of Birth and Death Act. It is stated in the petition that, the Father of petitioner by name Puttegowda S/o Late Rangegowda, died on 06-05-1992 at Kattehosalli Village, Kattaya Hobli, Hassan Taluk and accordingly prays to issue death certificate with regard to same.

2. The facts of the case are as under:

The petitioner is the son of the deceased Puttegowda S/o Late Rangegowda. The family members of petitioner had intimated the date of death of Puttegowda S/o Late Rangegowda to the respondent authority orally.

3. The petitioner had applied for the death certificate of Puttegowda S/o Late Rangegowda to the respondent authority. After enquiry the respondent authority had issued Non-availability certificate by stating that date of death of Puttegowda S/o Late Rangegowda, is not duly registered in the Birth and Death Registrar maintained by them.

4. It is further averred in the petition that, the death certificate is required to produce before the Government/ Revenue authority.

5. After registration of the petition, notice was issued to the respondent. In spite of service of notice, the respondent has not appeared and contested the case.

6. During the pendency of the case the petitioner got issued the notice through two paper publication, by calling the general public to file any objections to petition.

7. In spite of issuance of notice through paper publication no one has appeared and contested the case. Thereafter, the case was posted for recording of evidence of petitioner.

8. The petitioner himself got examined as P.W.1 and he has filed affidavit in lieu of his chief examination, wherein he has reiterated the entire petition averments and got marked Ex.P.1 to 6.

9. Heard the arguments of the counsel for the petitioner and perused the materials placed on record.

10. The following points that would arise for my consideration:

1) Whether the petitioner has shown sufficient grounds to allow the petition?

2) What Order?

11. My answer to the above points are as follows:

Point No.1: In the Affirmative

Point No.2: As per final order

for the following:

REASONS

12. **Point No.1:** The present petition is filed seeking direction to the respondent authority to register the date of death of father of petitioner. The P.W.1 in his affidavit evidence has reiterated and reaffirmed the contents of the petition and got marked Ex.P.1 to P6. Ex-P1 is the Non-Availability certificate issued by the respondent , Ex.P.2 is the G. tree. Ex.P.3 is the RTC extract . Ex-P4 is the Aadhar card of petitioner. Ex-P5 and 6 are the paper publications. The evidence of P.W.1 has not been disputed by the Respondent and as such it has attained finality.

13. On perusal of the petition, oral as well as documentary evidence, the father of petitioner by name Puttegowda S/o Late Rangegowda died on 06-05-1992 at Kattehosalli Village, Kattaya Hobli, Hassan Taluk. The petitioner has taken contention that, their family members intimated the date of death of Puttegowda S/o Late Rangegowda to the concerned respondent. The counsel for the petitioner argued that, the petitioner came to know the fact of Non-registration of date of death of Puttegowda S/o Late Rangegowda in the register of birth and death maintained by the respondent authority only on receiving Ex.P.1. It is further argued that, the petitioner is in need of the death certificate of Puttegowda S/o Late Rangegowda to submit before the Government/ Revenue authorities.

14. In the absence of any written statement/objections the averments made in the petition remains unchallenged, P.W.1 was not subjected to cross-examination, therefore the evidence of petitioner side remained unchallenged and there are no reasons to disbelieve the undisputed petition averments and unchallenged evidence lead by the petitioner. In the absence of any rebuttal or contradictory evidence, this court cannot find any reason to disbelieve or to discard the undisputed and unchallenged document and versions of the petitioner and as such, petitioner is able to prove that he is the son of deceased Puttegowda S/o Late Rangegowda and the father of petitioner died on 06-05-1992. Accordingly, **I answer point No.1 in the Affirmative.**

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

ORDER

The petition U/s 13(3) of the Registration of Births & Deaths Act 1969 filed by the petitioner is hereby allowed.

The respondent is hereby directed to register the date of death of the petitioner's father by name Puttegowda S/o Late Rangegowda as 06-05-1992

and also the place of death as Kattehosalli Village,
Kattaya Hobli, Hassan Taluk after collecting
necessary fee.

(Dictated to the stenographer directly over the computer, got typed by her, corrected,
signed and then pronounced by me in the open court this day of 30th day of
September 2023)

(Shishira. R)
VII Addl. Civil Judge & JMFC,
Hassan.

-ANNEXURE-

Witnesses examined for petitioner:

PW.1: Sannaswamy

Documents exhibited for petitioner:

Ex.P1 : Non-availability certificate issued by the respondent.

Ex.P.2 : Genealogical tree

Ex.P.3 : RTC extract

Ex.P.4 : Aadhar card of petitioner

Ex.P.5 &6 : Two Paper publications

**Witnesses examined and documents
marked for respondents :. NIL**

(Shishira. R)
VII Addl. Civil Judge & JMFC,
Hassan.

Order pronounced in open court
(vide separate order)

ORDER

The petition U/s 13(3) of the
Registration of Births & Deaths Act 1969
filed by the petitioner is hereby allowed.

The respondent is hereby directed to
register the date of death of the
petitioner's father by name Puttegowda
S/o Late Rangegowda as 06-05-1992 and
also the place of death as Kattehosalli
Village, Kattaya Hobli, Hassan Taluk after
collecting necessary fee.

**VII Addl. Civil Judge & JMFC
Hassan.**