

KABC030344862023



IN THE COURT OF THE XIX ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU CITY.

PRESENT:SRI.FAROOQ ZARE.

B.A.(Law)LL.B.L.L.M.

XIX ADDL.C.M.M., BENGALURU.

DATED THIS THE 29th DAY OF DECEMBER 2023

CRIMINAL MISCELLANEOUS NO.5053 of 2023

Petitioner :-1 Jagadish.G
S/o Gangappa M @ Kalyanappa,
Aged about 41 years,

:-2 Shankar.G
S/o Gangappa M @ Kalyanappa,
Aged about 43 years,

:-3 Ramesha.G
S/o Gangappa M @ Kalyanappa,
Aged about 39 years,

All are R/at No.02, 6th Cross,
Neelgiri Papanna Block,
Srirampura, Bengaluru-560021.

(By Sri.H.J & N.L., Advocates)

-V/s-

**Respondent :- The Commissioner
Registrar of Births & Death,
B.B.M.P., Bengaluru.**

(Exparte)

ORDER

1. The petitioners have filed this petition under section 13(3) of Karnataka Registration of Birth and Death Act 1969 for entering the date of death of **Lakshamma W/o Gangappa.M** who died on **22.06.2019**, in the register maintained by the office of the respondent.

2. In the petition it is stated that the deceased **Lakshamma W/o Gangappa.M** is a mother of petitioners who died on 22.06.2019 in Bengaluru. The petitioners are in need of deceased's death certificate for documentation purpose. It is stated that the

petitioners have submitted an application to respondent for issuing death certificate of deceased Lakshamma W/o Gangappa.M for which respondent issued a non-availability certificate. For the reasons stated supra they pray to allow the petition.

3. The notice was issued to the respondent and same was duly served but respondent remained absent before the court and placed exparte. The paper publication got issued in the daily newspapers by names "Hosa Digantha" and "Business Standard" calling upon objections from the interested persons who will likely to be affected by the order of this court. On the date of appearance, none appeared to oppose the petition. In the evidence the Petitioner No.1 has got examined himself as PW1, in his oral evidence reiterated petition averments and got marked Ex.P1 to Ex.P9.

4. Heard the arguments and perused the petition.

5. The points that would arise for my consideration are;

Point No.1: Whether the petition is deserved to be allowed.?

Point No.2: What order?

6. My findings 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;

R E A S O N S

7. **Point No.1:-** The petitioners have stated that, deceased by name Lakshamma W/o Gangappa.M died on 22.06.2019 in Bengaluru. They have submitted an application before the respondent for issuing death

certificate of their deceased but the respondent issued a non availability certificate Ex.P1.

8. In view of the judgment reported in 2013(4) KCCR 3493 in the case of Smt.Muniyamma and others v/s Devegowda and others, the notice issued through paper publication for interested persons in daily newspapers by names “Hosa Digantha” and “Business Standard”, whereas none appeared to contest the petition.

9. The petitioner No.1 himself examined as PW1 and got marked Ex.P1 to Ex.P9. Ex.P1 is the non-availability certificate, Ex.P2 is the Family Tree, Ex.P3 notarized copy of Cremation certificate issued by P.D.O Kalingahalli Grama Panchayat, Nagamangala Taluk, Mandya District, Ex.P4 to Ex.P7 are notarized copies of Aadhar cards of deceased Lakshamma and petitioners, Ex.P8 and Ex.P9 are the daily newspapers

by names “Hosa Digantha” and “Business Standard”. **Ex.P3** notarized copy of Cremation Certificate discloses that deceased **Lakshmamma W/o Gangappa.M** passed away on **22.06.2019**. Since the respondent placed exparte, evenafter issuing the paper publications none appeared to oppose the petition. The averments of the petition, the evidence of PW1 and the documents at Ex.P1 to Ex.P9 are remained unchallenged and there are no grounds to disbelieve the case of the petitioners. Hence, I answer **point No.1** in the **Affirmative**.

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

O R D E R

The petition is **allowed**.

The respondent is hereby directed to enter the date of death of deceased

Lakshamma W/o Gangappa.M as she died on **22.06.2019**, in the concerned register and issue death certificate accordingly on collecting necessary late fee.

(Directly dictated to the Stenographer on computer, typed by him, corrected by me and then pronounced in the Open Court on 29th December 2023)

(Farooq Zare)
XIX Addl.C.M.M., Bengaluru.

::ANNEXURE::

I. List of witnesses examined by petitioner:-

PW1 :- Jagadish.G

II. List of exhibits marked by petitioner:-

Ex.P1 :- Non-availability Certificate.

Ex.P2 :- Family Tree.

Ex.P3 :- Notarized copy of Cremation certificate.

Ex.P4 to Ex.P7 :- Notarized copies of Aadhar cards.

Ex.P8 & Ex.P9 :- Daily newspapers "Hosa Digantha" and "Business Standard".

III. List of witnesses examined by respondent:- -NIL-

IV. List of exhibits marked by respondent:- -NIL-

(Farooq Zare)
XIX Addl.C.M.M., Bengaluru.