

IN THE COURT OF THE PRL.CIVIL JUDGE AND JMFC., ARSIKERE.

Present before:- Sri. Sandesh Prabhu .B. B.A.L, L.L.B
Prl. Civil Judge and JMFC.
Arasikere.

Cr1.Mis.No.1/2018.

Dt: 10-01-2018

Petitioner : Marulamma W/o Late. Ramashetti,
74 Years, R/o Doddenahalli Village,
Kasaba Hobli, Arasikere Taluk.

V/s

Respondent : The Tahasildar, Arasikere Taluk.

ORDER

1. The petitioner has presented the present petition U/sec. 13(3) of the Births and Deaths of Registration Act and Rules. After presentation of the petition the process of this court has been served on the respondent. Wherein, in spite of same the respondent has not appeared before the court and contested the case. Therefore, the respondent was placed exparte by the order of this court on Dt: 09-01.2018.
2. The petition in order to prove her case has examined herself as PW1 and has got exhibited Ex.P1 to Ex.P.3 and closed her side of evidence. Respondent exparte. Trail concluded.
3. Heard the arguments.
4. The following points arise for my consideration:

POINTS

1. Whether petitioner has made out sufficient grounds to allow the application?
2. What order?

5. My answers to aforesaid points are as follows:

Point No: 1 : In the affirmative.

Point No: 2 : As per final order for the following

//REASONS//

6. **Point No: 1 :** The petitioner in order to prove her case has examined herself as PW1 and has got exhibited Ex.P.1 to Ex.P.3 as documentary evidence in support of oral evidence. The evidence let by the petitioner in her examination in chief discloses the facts, which has been stated by the petitioner in her petition. Therefore reiterating all those facts again is not necessary for purpose of discussion. The evidence lead by the petitioner is remained unchallenged. There is no oath against oath and evidence against evidence. The oral and documentary evidence placed by the petitioner has not being rebutted by the respondent. Under the circumstances there are no other reasons to discard the evidence placed by the petitioner and the same is required to be considered. The petitioner has very specifically has offered explanation and assigned reasons for which the death certificate is required. He has also assigned reasons as to not obtaining of the death certificate in an earlier occasion soon after the event of death. Even the Government has formulated the scheme for issuance of death certificate to the concerned after obtaining necessary application by those would have not obtained under earlier occasion. Since the event of death of her mother-in-law is not available the petitioner has approached this court by preferring the present petition under the relevant Act. In this regard the petitioner has also furnished the non-availability certificate as per Ex.P.1, certified copy of Adhar Card as per Ex.P.2 and Paper publication as per Ex.P.3. Hence by virtue of the discussions made above this court is of the opinion that the petitioner has made out grounds to considered **her** application. Hence I hereby answer, Point No: 1 in the Affirmative.

7. Point No: 2:

Since my answer on point No: 1, which held affirmative, I proceed to pass the following:

//ORDER//

The petition filed by the petitioner U/sec. 13(3) of the Births and Deaths registration Act and Rules is hereby allowed.

The respondent is hereby directed to make proper entry in respect of Date of death of **KARIYAMMA W/O KUNDURAI AH** Dated **15-02-1973** at Doddenahalli Village, Kasaba Hobli, Arasikere Taluk, Hassan District, in concerned births or deaths register maintained in the office, after collecting prescribed fees, issue the same.

Office to intimate accordingly.

(Dictated to the typist-copyist, transcript revised, corrected and pronounced by me in the open court, on this 10th January 2018.)

(Sandesh Prabhu B)
Prl. Civil Judge and JMFC.,
Arsikere.

:-Annexure:-

1. Witnesses examined on behalf of petitioner:-

PW1 - Marulamma.

2. Documents exhibited on behalf of Petitioner:-

Ex.P.1 - Non available certificate.

Ex.P.2 - Certified copy of Adhar Card.

Ex.P.3 - Paper publication.

3. List of witnesses and documents on Respondent side: NIL.

(Sandesh Prabhu B)
Prl. Civil Judge and JMFC.,
Arasikere.