

**IN THE COURT OF ADDL. CIVIL JUDGE & J M F C AT
PAVAGADA**

Dated this the 26th day of May - 2018

Present : **Sri. Siddarama. S. , M.A.,LL.B.,**
Addl.Civil Judge & J M F C.,Pavagada.

C.Misc. No.01/2018

PETITIONER : 1. Venkatalakshamma W/o Thippeswamy,
Age about 65 years,
R/o Balammanahalli Village,
Kasaba Hobli, Pavagada Tq., Tumakuru Dist.,

(By Sri. H.A.P. Adv)

-Vs-

RESPONDENTS: 1.The Tahasildar, Taluk Office, Mini Vidhana soudha,
Pavagada, Pavagada Taluk.

2. Sudhamani D/o Thippeswamy,
R/o Balammanahalli Village,
Kasaba Hobli, Pavagada Tq., Tumakuru Dist.,

(Absent)

Order on Petition filed U/s 13(3) of Registration of Births and Deaths Act.

The Petitioner has filed this petition U/s.13(3) of the Births and Deaths Registration Act.

2. The gist of the petition averments are as follows:

That the **Petitioner's mother-in-law by name Venkatalakshamma W/o Nagappa as died on 10-02-1972** The death of the said **petitioner's mother-in-law** was intimated to the concerned authority. Thereafter, the petitioner approached the respondent No.1. for issuing of the death certificate of petitioner's **mother-in-law**, But the respondent issued a non-availability certificate on **18-11-2017** The death certificate of is required for the purpose of change of revenue records. Hence, this petition.

3. After filing of the petition as per the dictum of *Hon'ble High Court of Karnataka, reported in ILR 2013 KAR 4703 between Smt. Muniyamma & Others V/s Devegowda & Others* the petition notice was proclaimed in 2 daily News papers calling upon the interested parties to appear before the court to put their say in the petition. The paper publication was duly executed. No one appeared as the objectors. Thereafter, petition notice was issued to the respondents. (AGP, filed memo of appearance on behalf of respondent No.1 to 3.) The respondents did not appear before the court. Hence, placed ex parte. (Respondent No.1 did not opt to file objections to the petition.) Hence, enquiry was conducted.

4. To prove the case, the petitioner has entered into the witness box and is examined as PW-1 by filing an affidavit and got marked the document at **Ex.P.1 to 6** and closed the evidence.

5. The Point that arise for my consideration is :

- 1) *Whether the petition deserves to be allowed?*
- 2) *What Order?*

6. My answer on the above point is in the affirmative for the following:

REASONS

7. **Point No.1** – Pw-1 has re-iterated what is stated by him in his petition. (The respondent No.1 has not bothered to contest the petition.) The respondents are placed ex-parte. The petitioner has complied with the requirement of the dictum of the Hon'ble High Court, No one has appeared as objectors in this case. Death certificate of **mother-in-law** of petitioner is sought for the purpose of

change of name in the revenue records. Death certificate will not confers any rights on the petitioner. There are no grounds to disbelieve the version of the petitioner and moreover, in my opinion no prejudices would be caused if the application is allowed. Accordingly, I answer the point No.1 is in the Affirmative, and I proceed to pass the following:

ORDER

The petition U/s 13(3) of the Birth and Death Registration Act is allowed.

The respondent is directed to issue the death certificate of the **Petitioner's mother-in-law by name Venkatalakshamma W/o Nagappa as died on 10-02-1972** by collecting requisite penalty and fee.

(On my dictation typed by the Typist and print out taken by him, then corrected and pronounced by me in the open Court on this the 26th day of May- 2018).

(Siddarama. S)
Addl.Civil Judge & J M F C.,
Pavagada.

ANNEXURE

1. List of witnesses examined for the Petitioner:

Pw1 : Venkatalakshamma.

2. List of documents exhibited for the Petitioner:

Ex.P 1- Endorsment,

Ex.P 2- G- Tree Notary copy,

Ex.P.3 – Adhar Card Notary copy,

Ex.P.4 - RTC,

Ex.P.5 & P.6-Daily news papers.

(Siddarama.S)

Addl.Civil Judge & J M F C.,
Pavagada.

ORDER

*The petition U/s 13(3) of the Birth and Death
Registration Act is allowed.*

The respondent is directed to issue the death certificate of the **Petitioner's mother-in-law by name Venkatalakshamma W/o Nagappa as died on 10-02-1972** by collecting requisite penalty and fee.

Addl. Civil Judge & J M F C.,
Pavagada.

