



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.21001 OF 2025 (GM-ST/RN)

BETWEEN:

K SUNDARA MURTHY,
S/O A.C KANAGAN
AGED ABOUT 77 YEARS
R/AT. 51/A, STEPHENS ROAD,
FRASER TOWN,
BANGALORE-560005.

...PETITIONER

(BY SRI. MOHAMED NASIRUDDIN, ADVOCATE)

AND:

1. THE COMMISSIONER
BRUHAT BANGALORE MAHANAGARA PALIKE,
N.R. SQUARE,
BANGALORE-560002.
2. THE CHIEF REGISTRAR
BIRTHS AND DEATHS,
7TH FLOOR, VISHVESHWARAYA MAIN TOWER,
DR.B.R. AMBEDKAR VEEDHI,
BANGALORE- 560001.
3. THE JOINT DIRECTOR
BRUHAT BANGALORE MAHANAGARA PALIKE,
1ST FLOOR B.B.M.P
SHOPPING COMPLEX,

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



BEHIND UPPARPET POLICE STATION,
BANGALORE-560009.

4. SMT. SAVITHA
D/O B. MURTHY
AGED ABOUT 42 YEARS
R/AT NO. 3/43, 5TH MAIN,
HANUMANTHAPPA LAYOUT
SULTANPALYA, R.T NAGAR POST,
BANGALORE-560032.

...RESPONDENTS

(BY SRI. PAWAN KUMAR, ADVOCATE FOR R1 TO R3;
R4-SERVED, UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT QUASHING
ANNEXURE-A 182025 (E-17631656) DATED 16/06/2025
ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
REJECTING TO ISSUE DEATH CERTIFICATE BY MENTIONING
THE PARTICULARS MENTIONED IN FORM NO. 2 AT
ANNEXURE-C.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

- i) *Issue Writ of Certiorari or any other appropriate Writ quashing Annexure-A ಆಸಾಣಿ18ಜುಲೈ2025 (E-17631656) dated 16.06.2025 issued by the 2nd Respondent to the Petitioner rejecting to issue death certificate by mentioning the particulars mentioned in form No.2 at Annexure-C.*
- ii) *For mandatory direction directing the 2nd Respondent to issue death certificate of Shri.K.S.Gurunath Murthy by reflecting the particulars mentioned in form No.2.*
- iii) *And grant such other relief/reliefs as this Hon'ble Court deems it fit to grant in the facts and circumstances of this case.*

2. Petitioner is the father of one Sri.K.S.Gurunath Murthy who expired on 22.01.2025. The said Gurunath Murthy had been married to respondent No.4 on 21.10.2009 as per Hindu Customs and Usages. They led their lives together as husband and wife initially. But, however, there being a difference of opinion between them on and from 06.09.2016, it is contended that the relationship between the



deceased Gurunath Murthy and respondent No.4 ceased and they started living separately. Unfortunately Gurunath Murthy having expired on 22.01.2025, when an application was made by the petitioner-father for grant of death certificate, the official respondents insisted on adding the name of respondent No.4 in the application at Sl.No.5A. It is aggrieved by the same that the petitioner is before this Court.

3. Sri.Mohamed Nasiruddin, learned counsel for the petitioner submission on this is two fold. Firstly, that the deceased Gurunath Murthy and respondent No.4 having separated voluntarily on 06.09.2016, that separation is akin to a divorce and as such the name of respondent No.4 who was separated from the deceased was not required to be added in the application for the purpose of issuance of death certificate. Secondly, he submits that even if her name were to be added there could be an



endorsement made in the certificate so issued that the deceased and respondent No.4 had separated from the year 2016. Either of these requests could have been accepted by respondents, which would have resolved the grievance of the petitioner.

4. Heard and perused the papers.
5. The aspect of marriage between K.S.Gurunath Murthy and respondent No.4 on 21.10.2009 as per Hindu Customs and Usages is pleaded by the petitioner himself in paragraph No. 5. The marriage having been recognized to be valid and accepted to be valid by the petitioner. Subsequent to such a valid marriage the deceased and respondent No.4 started living separately from 06.09.2016. Though they lived separately from the year 2016 till the expiry of Sri.Gurunath Murthy in the year 2025, the fact remains that there is no decree of divorce granted by a competent Court of law in a manner known to law



so as to be recognised by the official respondents. When there is no such decree of divorce for all legal purposes, though not for practical purposes, respondent No.4 would continue to be the legally wedded wife of Sri.K.S.Gurnath Murthy. Column No.5A reflects the details of husband/wife's name to be added. Since she continues to be legal wedded wife, there would be a requirement to provide all such details as are required under the said form. The rejection of the request made by the petitioner on this account does not suffer from any infirmity.

6. Insofar as the second contention that respondent No.4 has started leaving separately from 06.09.2016 to be added in the said column, the official respondents are not judicial authorities, but are administrative authorities, who have to only fill in the details as are required in terms of the applicable form. No additional details as that sought for by the



petitioner are contemplated nor could they be added in the said application for the purpose of processing.

7. The above discussion of this Court is only for the purpose of issuance of the death certificate and does not in any manner relate to or decide any right of respondent No.4 and or any defence that the petitioner may have as regards any claim by respondent No.4, this being moreso since respondent No.4 though served has chosen not to appear in these proceedings.
8. In the above circumstances, no grounds being made out the petition stands ***disposed***, directing the respondents to consider the application with the details to be furnished and issue necessary death certificate within a period of 30 days from the date of receipt of copy of this order.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE