

KABG310003612026



**IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C.
AT:BAILHONGAL.**

Present:

**Smt. Rohini D Basapur
L.L.M.
Prl. Civil Judge and J.M.F.C.,
Bailhongal.**

DATED: THIS THE 27th DAY OF JULY 2026

CRL.MISC.NO. 82/2026

1. Shri. Ashok S/o Basappa Sangolli
Age: 74 years, Occ: Agriculture
R/o: 705/44, near KEB, Somawar Peth
Bailhongal (Rural)
Tq: Bailhonga, Dist: Belagavi

..... Petitioner

(By Sri. SRJ, Advocate)

V/s.

1. The Tahashildar, Bailhongal, Belagavi

.....Respondent (Absent)

**ORDER ON PETITION FILED UNDER SECTION 13 (3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 R/W
Rule 10(3) OF REGISTRATION OF KARNATAKA BIRTHS AND
DEATHS ACT, 1970**

Petitioner has filed this petition under section 13(3) of Registration of Births and Deaths Act, 1969 R/w. Rule 10(3) of Registration of Karnataka Birth and Death Act, 1970 seeking the court to issue direction to the Respondent to issue death certificate of petitioner's father namely Shri. Basappa Shivalingappa Sangolli.

2. Background facts in a nut shell are as under:

Deceased by name Shri. Basappa Shivalingappa Sangolli is petitioner's father and he died on 18.06.1987 at Neginahal village, Tq: Bailhongal. The petitioner has approached respondent with request to issue death certificate as same is needed for family necessity and record purpose. The respondent in-turn got issued endorsement stating that date of death of aforesaid deceased is not entered in the registers in the office. Hence, this petition.

3. In spite of service of notice, respondent remained absent.

4. In order to prove the case, petitioner examined as PW-1 and got marked 5 documents as Ex.P-1 to Ex.P-5.

5. Heard learned Counsel for the petitioner at length and perused the materials placed on record.

6. Upon hearing argument and on perusal of material placed on records, following points arises for consideration:

POINTS

1. Whether the petitioners have made out sufficient grounds for allowing the petition?

2. What order?

7. My answer to the above points are as under:

Point No.1: In the Affirmative.

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

:REASONS:

8. **POINT NO.1:** In order to prove the case petitioner examined as PW-1 and reiterated the contents of the petition in his evidence and got 3 documents as Ex.P-1 to Ex.P-5. Ex.P.1 is the Non Availability Certificate. Ex.P.2 is the Aadhar card. Ex.P.3 is the Pan card. Ex.P.4 is the SSLC Marks card. Ex.P.5 is the Paper publication. Ex.P.5 (a) is the Marked portion in Ex.P-5

9. The Petitioner has produced Ex.P-5 to show his relationship with Shri. Basappa Shivalingappa Sangolli. Moreover even after publication of notice in the news paper none of the

interested parties appeared on record and contested the petition and hence there is no contest to the petition.

10. The oral and the documentary proof furnished by the Petitioners remains unchallenged and unrebutted. Therefore, there is no reason to disbelieve the case of the Petitioner. Hence, factum of death of Petitioner stands established. Respondent has not contested the petition. As per the decision of High Court of Karnataka reported in 2000 (4) KCC 2674 (State of Karnataka v/s Smt. Annakka) the Magistrate is proceeding u/sec. 13(3) of birth and death act only ascertains the birth of the child and date is not the material consideration, as such directions bind only the registration officer under the act to make an entry and does not carry higher probative value". Therefore, there is no legal impediment to issue direction to the Respondent to enter the death particulars of deceased. Hence, **I answer Point No.1 in the Affirmative.**

11. POINT NO.2: For the reasons stated above I am of the opinion that, the petition deserves to be allowed and hence I proceed to pass following:-

ORDER

Application filed U/Sec. 13(3) Registration of Birth and Death Act 1969 by the petitioners is hereby allowed.

Respondent is directed to enter the date of death of petitioner's father by name Shri. Basappa Shivalingappa Sangolli as 18.06.1987 and place of death as in Neginahal village, Tq: Bailhongal, Dist: Belagavi in concerned records and issue death certificate to the Petitioners after collecting necessary fees and fine as per rules and law.

No order as to cost.

(Dictated to Stenographer on computer corrected by me and then pronounced in the Open Court on this 27th day of July 2026).

(Smt. Rohini D Basapur)
Prl. Civil Judge & J.M.F.C.,
Bailhongal.

ANNEXURE**List of witnesses examined on behalf of petitioner:**

P.W.1 : Shri. Ashok Basappa Sangolli

List of documents marked on behalf of petitioner:

Ex.P.1 : Non Availability Certificate.

Ex.P.2 : Aadhar card

Ex.P.3 : Pan card

Ex.P.4 : SSLC Marks card

Ex.P.5: Paper publication

Ex.P.5 (a) : Marked portion in Ex.P-5

List of witnesses examined on behalf of respondent:

-Nil-

List of documents marked on behalf of respondent:

-Nil-

Sd/-
**Prl. Civil Judge & J.M.F.C.,
Bailhongal.**

**(Order pronounced in the open court
vide separate order)**

ORDER

Application filed U/Sec. 13(3)
Registration of Birth and Death Act 1969
by the petitioners is hereby allowed.

Respondent is directed to enter
the date of death of petitioner's father by
name Shri. Basappa Shivalingappa
Sangolli as 18.06.1987 and place of
death as in Neginahal village, Tq:
Bailhongal, Dist: Belagavi in concerned
records and issue death certificate to the
Petitioners after collecting necessary
fees and fine as per rules and law.

No order as to cost.

**Prl. Civil Judge & J.M.F.C.,
Bailhongal.**

