

KABG310001622026



**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 09th DAY OF JUNE 2026

CRL.MISC.NO. 49/2026

1. Sri. Basanagouda S/o. Shivanagouda Patil,
Age: 70 years, Occ: Agriculture,
R/o. Devalapur, Tq: Bailhongal, Dist: Belagavi.
2. Smt. Kalavati W/o. Basanagouda Patil,
Age: 60 years, Occ: Household work,
R/o. Devalapur, Tq: Bailhongal and Dist: Belagavi.
3. Smt. Shankarevv @ Hema W/o. Palaxagoudad Patil,
Age: 44 years, Occ: Household work,
R/o. Harubelawadi and Devalapur, Tq: Bailhongal,
Dist: Belagavi.
4. Shri. Chandragouda S/o. Basanagouda Patil,
Age: 40 years, Occ: Private Servant,
R/o. Devalapur, Tq: Bailhongal, Dist: Belagavi.
5. Shri. Basavva @ Netra W/o. Praveengouda Huded,
Age: 37 years, Occ: Household work,
R/o. Mattigatti and Devalapur, Tq: Bailhongal
and Dist: Belagavi.

6. Shri. Rudragouda S/o. Basanagouda Patil,
Age: 35 years, Occ: Government Servant,
R/o. Devalapur, Tq: Bailhongal
and Dist: Belagavi.

..... Petitioners

(By Sri. SSB, Advocate)

V/s.

1. The Tahashildar Bailhongal,
& Bailhongal Taluka Birth and Death Registrar,
Tahashildar Office, At :Bailhongal, Tq: Bailhongal,
Dist: Belagavi.

.....Respondent (Absent)

**ORDER ON PETITION FILED UNDER SECTION 13 (3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 R/W
Rule 9(3) OF REGISTRATION OF KARNATAKA BIRTHS AND
DEATHS ACT, 2000**

Petitioners have filed this petition under section 13(3) of Registration of Births and Deaths Act, 1969 R/w. Rule 9(3) of Registration of Karnataka Births and Deaths Act, 2000 seeking the court to issue direction to the Respondent to issue death certificate of petitioner No. 1's mother, petitioner No. 2's mother-in-law and petitioner No.3 to 6's grandmother namely Smt. Neelavva W/o. Shivanagouda Patil.

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

Deceased by name **Smt. Neelavva W/o. Shivanagouda Patil** is petitioner No.1's mother, petitioner No. 2's mother-in-law and petitioner No. 3 to 6's grandmother. And she died on 03.12.2008 in his house at Devalapur village, Tq: Bailhongal and Dist: Belagavi. The petitioners have 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 no. 1 is examined as PW-1 and following documents are marked in support of the case.

- Ex.P.1 : Non Availability Certificate.
- Ex.P.2 : Ration Card of Petitioner No. 1.
- Ex.P.3 : Copy of Death Certificate of Shivanagouda.
- Ex.P.4 : Copy of Adhar Card of PW-1.
- Ex.P.5 : News Paper Publication.
- Ex.P.5(a) : Part of news paper.

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 No.1 is examined as PW-1 and reiterated the contents of the petition in his evidence. The Petitioners have produced Ex.P-2 to 3 to show his relationship with Sri. Shivanagouda S/o. Basanagouda Patil. 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.

9. The oral and the documentary proof furnished by the Petitioner 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.**

10. 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 petitioner is hereby allowed.

Respondent is directed to enter the date of death of petitioner No.1's mother, petitioner No. 2's mother-in-law and petitioner No. 3 to 6's grandmother by name Smt. Neelavva W/o. Shivanagouda Patil as 03.12.2008 and place of death as in Devalapur village, Tq: Bailhongal, Dist: Belagavi in concerned records and issue death certificate to the Petitioner 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 09th day of June 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 : Sri. Basangouda S/o. Shivanagouda Patil.

List of documents marked on behalf of petitioner:

- Ex.P.1 : Non Availability Certificate.
Ex.P.2 : Ration Card of Petitioner No. 1.
Ex.P.3 : Copy of Death Certificate of Shivanagouda.
Ex.P.4 : Copy of Adhar Card of PW-1.
Ex.P.5 : News Paper Publication.
Ex.P.5(a) : Part of news paper.

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 petitioner is hereby allowed.

Respondent is directed to enter
the date of death of petitioner No.1's
mother, petitioner No. 2's mother-in-law

and petitioner No. 3 to 6's grandmother by name Smt. Neelavva W/o. Shivanagouda Patil as 03.12.2008 and place of death as in Devalapur village, Tq: Bailhongal, Dist: Belagavi in concerned records and issue death certificate to the Petitioner after collecting necessary fees and fine as per rules and law.

No order as to cost.

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