



**IN THE COURT OF CIVIL JUDGE AND JMFC,
KITTUR**

DATED THIS THE 13th DAY OF AUGUST, 2026

**PRESENT : MAHAMMADALI NAYAK,
B.B.A., LL.B.(Hons.)
CIVIL JUDGE & JMFC, KITTUR**

CRL.MISC.No.151/2026

PETITIONER/S :

1. Arjun Ningappa Latunavar,
Age: 70 years, Occ: Agriculture,
R/o Bailur, Tq: Kittur,
Dist: Belagavi.

(By Sri. B.M.B., Advocate)

- Versus -

RESPONDENT/S :

1. The Government of Karnataka
R/by The Deputy Commissioner,
Belagavi, Dist: Belagavi.
2. The Tahasildar,
Kittur, Tq: Kittur, Dist: Belagavi.

(By APP)

**ORDER ON APPLICATION FILED U/SEC. 13(3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

This is a petition filed by the petitioner seeking direction to the respondent to issue death certificate of the father of petitioner by mentioning the date of death and name as Sri. Ningappa Fakkirappa Latunavar who died on 01.01.1983 at Bailur village of Kittur Taluk.

2. The brief facts of the case of the petitioners is as follows:

That the petitioner is the son of deceased Sri. Ningappa Fakkirappa Latunavar. He has further stated that, Sri. Ningappa Fakkirappa Latunavar died on 01.01.1983 at Bailur village of Kittur Taluk. The date of death of Sri. Ningappa Fakkirappa Latunavar and other particulars were not entered in the register maintained by the respondent. In order to produce before revenue authority, municipality and to obtain other benefits, the petitioner is in need of the death certificate. As such, he has approached the respondent seeking the same. In response a non-availability certificate has been issued by the respondent. Hence, this petition is filed.

3. After service of the notice on the respondents, the learned APP has filed memo of appearance for respondents and not filed objections.

4. In support of the petition, the petitioner got examined himself as PW-1 by way of affidavit filed by him in lieu of his oral examination-in-chief got marked 5 documents as per Ex.P.1 to Ex.P.5. Ex.P.1 is non-availability certificate, Ex.P.2 is the genealogical tree, Ex.P.3 is the notarized copy of aadhar card, Ex.P.4 is the notarized copy of death certificate and Ex.P.5 is the paper publication. PW-1 is not cross-examined by the other side.

5. Heard the arguments and perused the records.

6. The points that arise for my consideration are that:

1. Whether the petitioner has made out grounds to grant the relief as prayed for in the petition?

2. What Order ?

7. My findings 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:-** This Court has already narrated the factual matrix of the petition in the above paragraphs. Hence, the repetition of the same is not necessary. The evidence

given by PW-1 by way of affidavit filed by him in lieu of his oral examination-in-chief corroborates with the documents Ex.P.1 to Ex.P.5 as before approaching this court, the petitioners have approached the respondent, for which, the authority concerned has issued Ex.P.1 - non availability certificate. In addition to this, the other documents i.e., Ex.P.2 document justify the fact that the petitioner is the son of deceased Sri. Ningappa Fakkirappa Latunavar. Apart from that, the documents Ex.P.5 paper publication made therein as per Ex.P.5 would also justify the fact that inspite of publications of the notice in the paper having wide circulation, none of the interested parties/objectors appeared challenging the petition. As the oral and documentary evidence given by PW-1 remained unquestioned and unchallenged, there appears no impediment to this Court to grant the relief as prayed for in this petition. Hence, **Point No.1 is answered in the Affirmative.**

9. **Point No.2:-** In view of my finding on the above point, I proceed to pass the following;

O R D E R

The present petition filed U/Sec. 13(3) of the Registration of Births and Deaths Act, is hereby allowed and consequently, the respondents are directed to make necessary entry of death of Sri. Ningappa Fakkirappa Latunavar who died on

01.01.1983 at Bailur village of Kittur Taluk, in the register of death after collecting requisite fee in this regard.

The respondents are also directed to mention in the death certificate that the same is issued in pursuance of this order.

It is made clear that, if any dispute arises in connection with the date of death or place of death, it will be subject to the decision of the competent Civil Court.

No order as to Costs.

(Dictated to the Stenographer-III directly on the computer, typed by her, corrected and then pronounced by me in open court, this the **13th day of August, 2026**)

(MAHAMMADALI NAYAK)
CIVIL JUDGE AND JMFC,
KITTUR

ANNEXURE

List of witnesses examined for the petitioner/s :

P.W.1 : Arjun Ningappa Latunavar

List of witnesses examined for the respondent/s :

-Nil-

List of exhibits marked for the petitioner/s :

Ex.P.1 : Non Availability Certificate
Ex.P.2 : Genealogical tree
Ex.P.3 : Notarized copy of aadhar cards

Ex.P.4 : Notarized copy of death certificate
Ex.P.5 : Paper Publication

List of exhibits marked for the respondents :

- Nil -

**(MAHAMMADALI NAYAK)
CIVIL JUDGE AND JMFC,
KITTUR**

ORDER