



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

:: PRESENT ::

SRI. MAHAMMADALI NAYAK,

B.B.A., LL.B.(Hons.)

Civil Judge & JMFC, Kittur

DATED THIS THE 15th DAY OF JULY, 2026

CRL.MISC.No.22/2026

PETITIONER/S :

1. Basappa Siddappa Gundannavar @ Gadikoppa,
Age: 59 years, Occ: Pvt. work,
R/o Panchbhat, Cutorim, Post: Cutorim,
Salcete, South Goa, State: Goa-403709.
2. Ashok Siddappa Gundannavar @ Gadikoppa,
Age: 57 years, Occ: Pvt. Work,
R/o Gudikotabagi, Tq: Kittur,
Dist: Belagavi.
3. Babu Siddappa Gundannavar @ Gadikoppa,
Age: 55 years, Occ: Pvt. Work,
R/o Gudikotabagi, Tq: Kittur,
Dist: Belagavi.

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

- Versus -

RESPONDENT/S :

1. The Tahasildar, Kittur,
Birth and Death Registrar,
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 petitioners seeking direction to the respondent to issue death certificate of the mother of petitioners by mentioning the date of death and name as Siddappa S/o Gangappa Gundannavar @ Gadikoppa who died on 21.06.2024 at Gudikotabagi village of Kittur Taluk, Dist: Belagavi.

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

That the petitioners are the children of deceased Siddappa S/o Gangappa Gundannavar @ Gadikoppa. They have further stated that, Siddappa S/o Gangappa Gundannavar @ Gadikoppa who died on 21.06.2024 at Gudikotabagi village of Kittur Taluk, Dist: Belagavi. The date of death of Siddappa S/o Gangappa Gundannavar @ Gadikoppa 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 petitioners are in need of the death certificate. As such, they have 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 No.1 got examined himself as PW-1 by way of affidavit filed by him in lieu of his oral examination-in-chief got marked 10 documents as per Ex.P.1 to Ex.P.10. Ex.P.1 is non-availability certificate, Ex.P.2 is the genealogical tree, Ex.P.3 to 5 are the notarized copies of aadhar cards, Ex.P.6 and 7 are the notarized copies of Voter ID, Ex.P.8 is the notarized copy of pan card, Ex.P.9 is the affidavit and Ex.P.10 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 petitioners have 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.10 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 petitioners are the children of deceased Siddappa S/o Gangappa Gundannavar @ Gadikoppa. Apart from that, the documents Ex.P.10 paper publication made therein as per Ex.P.10 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;

ORDER

The present petition filed U/Sec. 13(3) of the Registration of Births and Deaths Act, is hereby allowed and consequently, the respondent is directed to make necessary entry of death of Siddappa S/o Gangappa Gundannavar @ Gadikoppa who died on 21.06.2024 at Gudikotabagi village of Kittur Taluk, Dist: Belagavi, in the register of death after collecting requisite fee in this regard.

The respondent is 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 **15th day of July, 2026**)

(Mahammadali Nayak)
**Civil Judge and JMFC,
Kittur**

ANNEXURE

List of witnesses examined for the petitioner/s :

P.W.1 : Basappa Siddappa Gundannavar @
Gadikoppa

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
to 5 : Notarized copies of aadhar cards
Ex.P.6, 7 : 2 Notarized copies of Voter's ID card
Ex.P.8 : Notarized copy of Pan card
Ex.P.9 : Affidavit
Ex.P.10 : Paper Publication

List of exhibits marked for the respondents :

- Nil -

(Mahammadali Nayak)
Civil Judge and JMFC,
Kittur