

KABK410031162025



Presented on : 16-10-2025  
Registered on : 16-10-2025  
Decided on : 02-07-2026  
Duration : 00 years, 08 months, 16 days

**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC  
BADAMI**

**Present: Sri Harish Jadhav,  
B.Com., LL.B.(Spl), LLM  
Principal Civil Judge & JMFC  
Badami**

**Crl.Misc. No.703/2025**

**Dated this 2<sup>nd</sup> day of JULY-2026**

**PETITIONERS:**

1. Sri Govindappa  
S/o. Shivappa Hudedamani  
@ Goudra,  
Age: 60 years,  
Occ: Agriculture,
2. Smt. Geeta  
W/o. Shekhappa Baviyar,  
Age: 45 years,  
Occ: Household work,

3. Smt. Ningavva  
W/o. Bheemanna Huddannavar,  
Age: 38 years,  
Occ: Household work,

All are R/o. Somanakoppa,  
Tq: Badami, Dist: Bagalkot.

**(By Sri S.N.K., Advocate)**

//Versus//

**RESPONDENT:**

1. The Tahasildar,  
Registrar of Birth and Death,  
Badami.

**(Exparte)**

**ORDER**

It is the petition filed under Section 13(3) and 9(3) of the Register of Birth and Death Act, 1969.

2. The petitioners have filed this petition to enter the date of death of mother of petitioners by name **Smt. Bharamavva W/o. Shivappa Hudedamani** who died on **20.11.2017** at Somanakoppa village of Badami taluk at her residence. The fact of date of death of Smt. Bharamavva W/o. Shivappa Hudedamani was not entered in the death register

maintained by the respondent office. Despite due diligence by the petitioners the date of death of Smt. Bharamavva W/o. Shivappa Hudedamani was not reported to respondent authority to enter the date of death in the register maintained under the Birth and Death Registration Act. Hence, the petitioners have applied for death certificate of Smt. Bharamavva W/o. Shivappa Hudedamani. But the respondent authority issued Non-availability certificate on 31.07.2025 stating that the entry regarding date of death is not available in their register. In order to obtain death certificate petitioners constrained to file this petition.

3. In spite of service of notice, the respondent was absent, hence placed exparte. The matter was posted for enquiry. The petitioner No.1 got himself examined as PW.1 by filing his examination-in-chief affidavit and got marked five documents as Ex.P.1 to Ex.P.5.

4. Heard the arguments of learned counsel for the petitioners.

5. Following points arises for my consideration:

**P O I N T S**

1. Whether the petitioners prove that mother of petitioners by name **Smt. Bharamavva W/o. Shivappa Hudedamani** died on **20.11.2017**?
  2. Whether the petitioners have made out sufficient grounds to allow this petition?
  3. What order?
6. My findings to the above points are as below :

Point No.1 & 2 : In the Affirmative.

Point No.3 : As per final order  
for the following;

**R E A S O N S**

7. **Point No.1 and 2** : In order to prove the contents of petition, the petitioner No.1 himself examined as PW.1 and got marked non availability certificate as Ex.P.1, Ex.P.2 is genealogy belongs to petitioners' family, Ex.P.3 and 4 are the paper publications and Ex.P.5 is the Aadhaar Card of

petitioner No.1. In the examination-in-chief affidavit, PW.1 has reiterated the averments of the petition. The respondents have not cross-examined as respondents placed exparte. Hence, the sole testimony of PW.1 is remained unchallenged.

8. On perusal of Ex.P.1 the Non availability certificate issued by the respondent authority shows that on the above said date there is no such death entry of mother of PW.1 in the register maintained by the respondent authority, Ex.P.2 is genealogy belongs to petitioners' family, Ex.P.3 and 4 are papers published by the petitioners in "Kasturi Vani" and "Vishwasa" Kannada daily newspapers shows that, the death of said Smt. Bharamavva W/o. Shivappa Hudedamani is dated 20.11.2017. Ex.P.3 and 4 are the paper publications in respect of date of death of Smt. Bharamavva W/o. Shivappa Hudedamani and despite the paper publication no rival claim disputing the date of death of the Smt. Bharamavva W/o. Shivappa Hudedamani came before the Court. Ex.P.5 is the Aadhaar Card of petitioner No.1. The oral evidence of PW.1 and the documentary evidence clearly

shows that the mother of PW.1 was died on 20.11.2017 and there is no rival claim against the death of said Smt. Bharamavva W/o. Shivappa Hudedamani in her family members have no knowledge to intimate regarding date of death in the office of respondent authority. Hence, it is necessary to direct the respondent authority to make out entry of date of death of mother of petitioners Smt. Bharamavva W/o. Shivappa Hudedamani and to issue death certificate. Accordingly, PW.1 has made out the case and **I answered Point No.1 and 2 in the Affirmative.**

9. **Point No.3:** Having answered point No.1 and 2 in the affirmative, I proceed to pass the following;

**: O R D E R :**

The petition filed by the petitioners  
is hereby allowed.

The respondent authority is hereby  
directed to enter the date of death of  
mother of petitioners and following details  
in the concerned register of birth and

deaths and issue Death certificate after  
collecting necessary fees.

Name : Smt. Bharamavva W/o.  
Shivappa Hudedamani

Husband's Name : Shivappa Hudedamani

D.O.D. : 20.11.2017

Death Place : Somanakoppa village,  
Badami taluka.

(Directly dictated to the stenographer on computer, corrected by me and then  
pronounced in the open court on this 2<sup>nd</sup> day of July-2026)

**(HARISH JADHAV)**  
**Principal Civil Judge & JMFC**  
**Badami**

**ANNEXURE**

**Witnesses examined on behalf of petitioners:**

PW.1 : Sri Govindappa S/o. Shivappa Hudedamani.

**Documents marked on behalf of petitioners:**

Ex.P1 : Non-Availability certificate.

Ex.P2 : Genealogy.

Ex.P3 & 4 : Paper publications.

Ex.P5 : Aadhaar Card.

**Witnesses examined on behalf of respondent:**

- N O N E -

**Documents marked on behalf of respondent:**

- N I L -

**Principal Civil Judge & JMFC  
Badami**