

KABK510006152025



**IN THE COURT OF CIVIL JUDGE AND JMFC
AT BILAGI**

Present :-

Smt. Pushpa T. Jogoji, B.A. LL.B.(spl)
Civil Judge and J.M.F.C,
Bilagi

Crl.Misc. No.141/2025

Dated this the 30th JUNE- 2026

- Petitioner :1. Smt. Iravva W/o. Shrishail Navalgann,
Age: 46 years, Occ: Household work,
R/o: Girisagar, Tq: Bilagi,
Dist: Bagalkot.
2. Venkatesh S/o. Shrishail Navalgann,
Age: 17 years, Occ: Minor,
R/o: Girisagar, Tq: Bilagi,
Dist: Bagalkot.
(Minor guardian petitioner No.1)
3. Akash S/o. Shrishail Navalgann,
Age: 15 years, Occ: Minor,
R/o: Girisagar, Tq: Bilagi,
Dist: Bagalkot.
(Minor guardian petitioner No.1)
(By Sri. P.M.V, Advocate)

Vs.

Respondent: The Tahashildar Office,
Birth and Death Registration Officer,
Bilagi,
Tq: Bilagi, Dist: Bagalkot.
(Ex-parte)

O R D E R

The petitioners have filed this petition U/sec.13(3) of the Registration of Birth and Deaths Act 1969 seeking directions to respondent to enter the death particulars of Co-sister of petitioner No.1 and mother of petitioner No.2 and 3 and issue death certificate.

2. The brief facts of the petitioner is that;

The Co-sister of petitioner No.1 and mother of petitioner No.2 and 3 Smt. Yamanavva W/o Shrishail Navalganna has expired on 23.07.2013 in the resident of petitioner at Rolli village, Bilagi taluk, Bagalkot. The petitioner No.1 to 3 have not intimated to the concerned authority regarding death particulars of the deceased Yamanavva W/o Shrishail Navalganna not entered in the concerned records. Now the death certificate of the Yamanavva W/o Shrishail Navalganna is necessary. Hence, the petitioner No.1 to 3 have applied to the respondent to furnish the death certificate of Co-sister of petitioner No.1 and mother of petitioner No.2 and 3 but respondent has given non-availability certificate. Hence, this petition.

3. The respondent remained ex-parte in spite of service of notice on it.

4. The petitioner No.1 was examined herself as PW-1 and got marked Ex.P-1 to 10, Ex.P.1 is the non-availability certificate, Ex.P.2 & 3 are the paper publication of “NaduNudi” and Kalyan parva”, Ex.P.4 and 7 are the death certificate Chandrashekhar Navalaganna who is brother of petitioner No.2 and 3, Ex.P-5 is the genealogy tree (ವಂಶಾವಳಿ), Ex.P-6 is the Attested copy of death certificate of Shrishail Sangappa Navalaganna who is husband of

deceased Yamanavva and 2nd wife of Iravva. Ex.P-8 is the attested copy of Aadhar card of petitioner No.1, Ex.P-9 is the attested copy of Aadhar card of petitioner No.2, Ex.P-10 is the attested copy of Aadhar card of petitioner No.3.

5. I have heard the arguments addressed by learned advocate for the petitioner. I have perused the materials available on record.

6. The following points are arise for my consideration.

1. Whether the petitioner No.1 to 3 are made out a case for allowing the petition?
2. What order?

7. My answers to the above said points are as under:

- Point No.1 : In the affirmative.
Point No.2 : As per final order for the following;

R E A S O N S

8. **POINT NO.1 :-** In order to prove the case, the petitioner No.1 has examined herself as P.W.1 and got marked the documents as Ex.P-1 to 10 and reiterated the petition averments. In her examination in chief she deposed that her Co-sister and mother of petitioner No.2 and 3 Smt. Yamanavva W/o. Shrishail Navalaganna has expired on 23.07.2013 at Rolli village, Bilagi taluk, Bagalkot. The factum of death of her Co-sister and mother of petitioner No.2 and 3 have not intimated to the

Registrar of Birth and Death office in right time due to oversight and illiteracy.

9. The PW-1, in support of her case, she has relied upon the Ex.P.1 Non-availability certificate which is issued by the office of respondent. Ex.P.2 and Ex.P.3 are the paper publications of “Nadanudi Kannada” and “Kalayan Parva” daily news paper. Ex.P-6 death certificate of deceased husband of deceased Yamanava, also reveals the name of the husband of the petitioner deceased sister. On going through the documents, as Ex.P-1, is non availability certificate, it shows that the petitioner’s have not obtained death certificate of deceased Smt. Yamanavva W/o. Shrishail Navalagann, in-spite of issuing paper publication, none of the interested parties have appeared, and contested the said claim of the petition. Further the Ex.P-6 is the death certificate of deceased Co-sister husband of petitioner No.1, also reveals the name of the deceased Smt. Yamanavva W/o. Shrishail Navalaganna. As the said respondent placed ex-parte, the evidence of petitioner’s remained unchallenged and unrebutted. Ex.P.1 is a non-availability certificate of her deceased Co-sister and mother of petitioner No.2 and 3.

10. As the said respondent placed ex-parte, the evidence of petitioner remained unchallenged and unrebutted. Ex.P.1 is a non-availability certificate it reveals that the petitioner No.1 to 3 have not received death certificate of Co-sister of petitioner No.1 and mother of petitioner No.2 and 3. If relief sought by the petitioners are declined, they will put to hardship that part there is nothing to disbelieve the evidence laid by the PW-1. Under these circumstances, this court has no other alternative than to

accept the evidence of P.W.1. Accordingly, I answer the point No.1 in the affirmative.

11. POINT NO.2:- Foregoing reasons, I proceed to pass the following:

ORDER

The petition filed U/sec. 13(3) of Registration of Births and Deaths Act 1969, by the petitioner No.1 to 3 are hereby allowed.

The respondent is directed to enter the death details of **Smt. Yamanavva W/o. Shrishail Navalagann as on 23.07.2013 at Rolli village, Bilagi taluk**, in the concerned records and issue a death certificate to the petitioner after collecting necessary fee.

No order as to cost.

(Dictated to the Stenographer, transcribed and typed it in the computer by him, then corrected and pronounced by me in the open court on this the **30th JUNE 2026**)

(Smt. Pushpa T. Jogoji)
**Civil Judge and JMFC ,
Bilagi**

ANNEXURE

- 1) **Witnesses examined on behalf of petitioner :-**
PW-1 : Iravva W/o Shrishail Navalaganna
- 2) **Document exhibited on behalf of petitioner :-**
Ex.P-1 : Non-availability certificate.
Ex.P-2 & 3 : Two paper publications

- Ex.P-4 : Death certificate of Chandrashekhar Navalaganna
- Ex.P-5 : Genealogy tree (ವಂಶಾವಳಿ)
- Ex.P-6 : Attested copy of Death certificate of Shrishail S/o Sangappa Navalaganna
- Ex.P-7 : Attested copy of Death certificate of Chandrashekhar Navalaganna
- Ex.P-8 : Attested copy of Aadhar card of petitioner No.1
- Ex.P-9 : Attested copy of Aadhar card of petitioner No.2
- Ex.P-10 : Attested copy of Aadhar card of petitioner No.3

3) **Witnesses examined on behalf of respondent:-**

-NIL-

(Smt. Pushpa T. Jogoji)
Civil Judge and JMFC,
Bilagi

