



**IN THE COURT OF THE II ADDITIONAL CIVIL JUDGE AND
J.M.F.C., DEVANAHALLI.**

:: PRESENT ::

**SRI. KENCHANAGOUDA PATIL B.A.,LLB,
II Addl. Civil Judge & JMFC.,
Devanahalli.**

Dated this the 06th day of April, 2026

Criminal Miscellaneous No.05/2026

- Petitioner/s :**
1. Sri. Byregowda,
S/o Late Munishamappa,
Aged about: 73 years.
R/at: Kommasandra Village,
Vijayapura Hobli,
Devanahalli Taluk,
Bengaluru Rural District.
 2. Smt. Eshwaramma,
Aged about: 69 years,
D/o Late Munishamappa,
W/o Ashwathappa,
R/at; Thimmappana Village,
Sulibele Hobli, Hosakote Taluk,
Bengaluru Rural District.
 3. Smt. Saraswathamma,
Aged about: 49 years,
D/o Late Muninanjappa,
W/o Munirajappa,
R/at; Kaggalahalli Village,
Budigere Hobli, Devanahalli Taluk,
Bengaluru Rural District.

(Rep. by Sri K. H. Ramanjaneya – Advocate)

**Versus**

Respondent/s: The Tahasildar,
Devanahalli Taluk,
Bangalore Rural district.

(Ex-parte)

**ORDERS ON PETITION FILED UNDER SECTION 13 (3) OF
THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**

The Petitioners have filed this petition U/s.13(3) of the Registration of Births and Deaths Act 1969 for making the entry of date of death of father of the petitioners by name Munishamappa S/o Late. Chikkabyrappa was died on 25-08-1980 at Kommasandra Village, Vijayapura Hobli, Devanahalli Taluk, Bangaluru Rural District.

2. The averments of the petition in brief are as follows:

In the Petition the Petitioners have stated that one Munishamappa S/o Late. Chikkabyrappa who is the father of the Petitioners. The said Munishamappa S/o Late. Chikkabyrappa was died on 25-08-1980 at Kommasandra Village, Vijayapura Hobli, Devanahalli Taluk, Bangaluru Rural District. Further submitted that they are only legal heirs of the deceased. Due to ignorance, the Petitioners have not intimated the date of death of said **Munishamappa S/o Late. Chikkabyrappa** to the concerned authority i.e. Respondent and obtain death certificate. That now the Petitioners have requires the death certificate of **Munishamappa S/o Late. Chikkabyrappa** for the purpose to getting change of Katha from the name of Munishamappa S/o



Late. Chikkabyrappa of property bearing Sy.No. 29/1 measuring to extent of 1 acre 0.24 guntas out of 0.30 guntas situated at Kommasandra Village, Vijayapura Hobli, Devanahalli Taluk, Bangalore Rural District. They have filed application before the Respondent and Respondent's office has issued non-availability certificate on 04-12-2025. Hence, they have prayed to issue directions as sought in the petition.

3. On service of petition notice to the Respondent, the Respondent has remained absent before the Court. Hence, he has been placed ex-parte.

4. The following points that arise for the consideration of this court are as hereunder:

POINTS

1. Whether the Petitioners have made out sufficient grounds to allow this petition?

2. What order?

5. The Petitioners in support of their case, the petitioner No.1 has got examined himself as PW.1 and relied on the documents which are marked as Ex.P1 to Ex.P8 and Ex.P7(a) and Ex.P.8(a) and closed their side evidence.

6. Heard the arguments by learned counsel for the petitioners and perused the materials available on record.



7. The findings of this Court to the above said 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 support of Petitioners case, the Petitioner No.1 has filed affidavit evidence in lieu of his examination in chief and examined as PW.1. In his evidence he has stated that the deceased **Munishamappa S/o Late. Chikkabyrappa** is father of the petitioners. Further stated that the deceased Munishamappa S/o Late. Chikkabyrappa was died on 25-08-1980 at Kommasandra Village, Vijayapura Hobli, Devanahalli Taluk, Bangaluru Rural District. But the said fact is not registered in the Respondent office in concern register. That now the Petitioners requires the death certificate of the above said **Munishamappa S/o Late. Chikkabyrappa** for the purpose to getting change of Katha from the name of Munishamappa S/o Late. Chikkabyrappa of property bearing Sy.No. 29/1 measuring to extent of 1 acre 0.24 guntas out of 0.30 guntas situated at Kommasandra Village, Vijayapura Hobli, Devanahalli Taluk, Bangalore Rural District. **Ex.P1** is the non-availability certificate, which discloses that the date of death of the said **Munishamappa S/o Late. Chikkabyrappa** is not registered in the register maintained by the Respondent. **Ex.P2** is the notarized copy of



family tree, which is sworn by the petitioner No.1 himself and is clearly discloses that the petitioners are Children of deceased Munishamappa S/o Late. Chikkabyrappa. **Ex.P3 to Ex.P5** are the Notarized copy of adhar cards of the petitioners. **Ex.P6** is Certified copy of RTC. **Ex.P7** is the 'Hosa Diganta' daily Kannada news paper Dtd: 12-02-2026 **Ex.P7(a)** is the paper publication portion marked in **Ex.P7**. **Ex.P8** is the " **New Indian Express**" Daily English News Paper Dt:12-02-2026, **Ex.P8(a)** is the paper publication portion marked in **Ex.P8**. In spite of receipt of notice Respondent did not appear before the Court. Evidence of PW1 is not challenged by the Respondent. Evidence of Petitioners is corroborated by the documentary evidence. Hence, there is no reason to disbelieve the evidence of PW1. Hence this Court is of the opinion that Petitioners have made out ground to allow this petition and accordingly this Court answered Point No.1 in the **Affirmative**.

9. Point No.2 : For the aforesaid discussion on point No.1, this court proceed to pass the following :

ORDER

The petition filed by the petitioners U/Sec.13(3) of the Registration of Birth and Death Act is hereby allowed.

Consequently, the Respondent is hereby directed to enter the date of death of



father of the petitioners by name **Munishamappa S/o Late. Chikkabyrappa** was died on **25-08-1980** at **Kommasandra Village, Vijayapura Hobli, Devanahalli Taluk, Bangaluru Rural District**, in the concern Deaths register maintained by the Respondent, after collecting necessary fee if any and issue certified copy of the same to the petitioners.

(Dictated to the Stenographer directly on Computer by her, in the same is corrected and pronounced by me in the open court on this the **06th day of April 2026**)

(KENCHANAGOUDA PATIL)
II Addl. Civil Judge & JMFC.
Devanahalli.

ANNEXURE

1. List of witnesses examined on behalf of Petitioners:

PW.1 Sri. Byregowda S/o Munishamappa on 17-03-2026

2. List of documents marked on behalf of Petitioner:

Ex.P1 : Non-availability certificate

Ex.P2 : Notarized Copy of Family Tree

Ex.P3 to 5 : Notarized Copy of Aadhar Cards of
the Petitioners

Ex.P6 : Notarized copy RTC.



- Ex.P7 : Hosa Diganta Kannada Daily News Paper.
- Ex.P7(a) : Paper Publication portion marked in Ex.P7.
- Ex.P8 : The "New Indian Express" English Daily News
Paper.
- Ex.P8(a) : Paper Publication Portion marked in Ex.P8.

(KENCHANAGOUDA PATIL)
II Addl. Civil Judge & JMFC.
Devanahalli.



(ORDERS PRONOUNCED IN THE OPEN COURT)

(VIDE SEPARATE ORDER)

ORDER

The petition filed by the petitioners U/Sec.13(3) of the Registration of Birth and Death Act is hereby allowed.

Consequently, the Respondent is hereby directed to enter the date of death of father of the petitioners by name **Munishamappa S/o Late. Chikkabyrappa was died on 25-08-1980 at Kommasandra Village, Vijayapura Hobli, Devanahalli Taluk, Bangaluru Rural District**, in the concern Deaths register maintained by the Respondent, after collecting necessary fee if any and issue certified copy of the same to the petitioners.

(KENCHANAGOUDA PATIL)
II Addl. Civil Judge & JMFC.
Devanahalli.







