

**IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC,
AT DODDABALLAPURA**

:PRESENT:

Smt. PREETHY.K., LL.M.,
Addl., Civil Judge & JMFC.,
Doddaballapur.

Dated this 7th Day of April, 2026

Crl.Misc.No.784/2025

Petitioner : **Sri. Narasimharaju**
S/o Narasimhamurthy
Aged about 47 years,
R/at: Nellukunte Village,
Tubagere Hobli,
Doddaballapura Taluk,
Bengaluru Rural District.
(By Sri. Pranav Samrud., Advocate)
-V/s-

Respondent : The Tahashildar,
Registrar of Births & Deaths.
Doddaballapura Taluk,
Bangalore Rural District.
(Absent)

ORDERS

The petitioner has filed this petition U/s 13(3) of Registration of Birth and Death Act, 1969 for issuance of direction to the respondent to register the date of death of petitioner's mother and to issue death certificate.

2. In the petition it is stated that, petitioner's mother namely Ashwathamma W/o Narasimhamurthy died on 10.09.1997 at Nellukunte Village, Tubgere Hobli, Doddaballapura Taluk. Due to family members illiteracy, inadvertence and by oversight the date of death of Petitioner's mother was not registered with the concerned authorities. The petitioner came to know about this only when approached the respondent's office to collect the death certificate. The respondent issued non availability

certificate. The petitioner requires the death certificate for change of the katha. Hence, the petition.

3. Despite service of summons the respondent remained absent.

4. In support of the petition the petitioner examined as P.W-1 and got marked documents Ex.P-1 to P-4.

5. Heard and perused the materials available on record.

6. The following points arise for consideration:

1. Whether the petitioner is entitled for the relief sought for?

2. What order?

7. The above points are answered as under;

Point No.1: **In the Affirmative**

Point No.2: As per the final order

for the following;

REASONS

8. **Point No.1:** The petitioner filed this petition seeking a direction to the respondent for issuance of death certificate petitioner's mother . It is the case of the petitioner that, the petitioner's mother namely Ashwathamma W/o Narasimhamurthy died on 10.09.1997. The family members had no awareness about informing the death of petitioner's mother and not registered the death at the office of the respondent. It is stated that the death certificate is required for change of the khata. The petitioner had applied for issuance of death certificate at office of respondent and the respondent issued non availability certificate.

9. In order to establish the case, the petitioner examined as PW.1 and got marked Ex.P.1 to Ex.P.4. In the affidavit the P.W-1 reiterated the contents of petition and as such it does not require repetition. Ex.P.1 is the non availability certificate, Ex.P.2 is the Affidavit of family tree, Ex.P.3 is the copy of Aadhar card of PW.1 and Ex.P.4 is the paper publication of Hosadigantha in Kannada News paper.

10. On perusal of the materials, Ex.P.1 is the non availability certificate issued by the respondent, wherein the respondent has certified that there is no death certificate concerning the person Ashwathamma W/o Narasimhamurthy. At Ex.P.1 date of death of said Ashwathamma W/o Narasimhamurthy is entered as 10.09.1997 at Nellukunte Village, Tubgere Hobli. The petitioner produced affidavit of genealogy of the family at Ex.P.2 wherein the details of legal heirs of deceased is stated.

11. Further, in this petition even after service of notice the respondent remained absent. The petitioner issued public Notice and the copy of the paper is produced at Ex.P.4. Despite, public notice there is no any objection from anyone regarding the date of death of the deceased. The oral and documentary evidence of the petitioner remained unchallenged. At this juncture there are no any other contradictory materials to disbelieve the case of the petitioner.

12. Further, the petitioner states that, the death certificate is required for the purpose of change the khata. On considering the date of death of the deceased person, it appears that the petitioners family members due to lack of awareness failed to register the date of death of the deceased in the concerned office. The reasons stated by the petitioner for seeking death certificate of the deceased is satisfactory. If the relief sought in this petition is not considered the petitioner is subjected to more hardship as death certificate is a legal document. The petitioner made out grounds to allow the petition. Hence, the point is answered in **Affirmative**.

13. **Point No.2:** In view of the above discussion, this court proceeds to pass the following:

ORDER

The petition filed by the petitioner U/s 13(3) of Registration of Birth and Death Act, 1969 is hereby allowed.

*The respondent is hereby directed to enter the date of death of the petitioner's mother namely **Ashwathamma W/o Narasimhamurthy** as*

10.09.1997 at Nellukunte Village, Tubgere Hobli, Doddaballapur Taluk in the concerned register and issue the death certificate to the petitioner by collecting necessary fee if any.

No order as to cost.

(Dictated to the Stenographer Grade-III directly on computer, corrected, signed and then pronounced by me in the open court on this **7th day of April, 2026**)

(PREETHY.K)

Addl., Civil Judge & JMFC.,
Doddaballapura.

ANNEXURE

List of witnesses examined for petitioner:

PW.1 :Sri. Narasimharaju

List of witnesses examined for respondent:

-NIL-

List of documents exhibited for petitioner:

Ex.P.1 : Non availability certificate
Ex.P.2 : Affidavit of family tree
Ex.P.3 : Copy of Aadhar Card of the petitioner
Ex.P.4 : Kannada News paper Hosadigantha

List of documents exhibited for respondent:

-NIL-

(PREETHY.K)

Addl., Civil Judge & JMFC.,
Doddaballapura.

