

KABR500067482025



IN THE COURT OF THE IIADDL.CIVIL JUDGE & J.M.F.C.,
AT : HOSAKOTE

PRESENT

SMT. SHILPASHREE N.S.,

B.A.L., LL.B.,

II ADDL. CIVIL JUDGE & J.M.F.C., HOSAKOTE

Dated, this the 15th day of April 2026

CrI.Misc.No.316/2025

PETITIONERS:

1. Sri.Anjinappa,
S/o Late Gullappa,
Aged about 73 years.
2. Sri Krishnappa,
S/o Late Gullappa,
Aged about 44 years.
3. Smt. Muniyamma,
D/o Late Gullappa,
Aged about 64 years.
4. Smt.Poojamma,
D/o Late. Gullappa,
Aged about 40 years,

All are residing at;
Vagata Agrahara Village,
Jadigenahalli Hobli,
Hosakote Taluk,
Bengaluru Rural-562114

(By Sri. J.T.B, Advocate)

V/s

RESPONDENT:

The Thasildar,
Registrar of Births & Deaths,
Hosakote Taluk,
Bengaluru Rural District.

(Exparte)

ORDER

The Petitioners have filed the present petition U/sec.13(3) of the Birth and Deaths Act, seeking direction to the Respondent to make necessary entry of the factum of death of father of the petitioners by namely Late. Gullappa S/o Late. Muniyappa in the register of deaths, by condoning the delay in making the necessary entry of the same.

2. The case of the Petitioner is that, father of the petitioners No.1 to 4 by namely Late. Gullappa S/o Late. Muniyappa was died on 17.07.2013 at Vagata Aghara Village, Jadigenahalli Hobli, Hosakote Taluk, Bengaluru Rural District. The petitioners was under the impression that the date of death of Late. Gullappa has been entered in the Respondent authority. Hence they have not intimated the date of death of Late. Gullappa to the Respondent office. But the date of death of Late. Gullappa is not registered before the Respondent office. This fact came to the knowledge of the petitioners when they have applied for the death certificate of

their father of the petitioner No.1 to 4 namely Late. Gullappa before the Respondent office. But the Respondent authority has issued an endorsement dated 05.08.2025 stating that the date of death Late. Gullappa is not entered in the concerned death register. Hence, this petition.

3. Despite due service of notice the Respondent remained absent. The Petitioner also taken paper publication of the case as per the decision of our Hon'ble High Court of Karnataka reported in Muniyamma V/s Devegowda. In spite of which, no rival claimants were appeared and opposed the petition. Hence, the contesting Respondent was taken as nil.

4. In order to substantiate the case, on behalf of the Petitioners, the Petitioner No.1 got himself examined as PW.1 and got marked 8 documents as Ex.P1 to P8 and closed his evidence. Since, the respondent remained absent, cross of PW.1 was taken as nil.

5. I have heard the arguments and perused the entire materials available on record.

6. The following points would arise for my consideration:

1. Whether the Petitioners have made out grounds for allowing the Petition?

2. What order?

7. My answer to the above points are as hereunder:

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

Point No. 2: As per the final order
for the following

:REASONS:

8. **Point No.1:** In order to substantiate the case, on behalf of the Petitioners, the Petitioner No.1 got himself examined as PW.1 by filing affidavit in lieu of examination-in-chief and deposed that, petitioners are need of death certificate of father of the petitioner No.1 to 4 for change revenue entries and for all aspects in future course of their life. In support of the case, PW.1 produced non-availability certificate issued by the Respondent as per Ex.P1, Ex.P2 is the genealogical tree, Ex.P3 to 6 are notarized copies of the Aadhaar Card of petitioner No.1 to 3. The PW.1 also produced paper publication published in news paper "Business Standard" dated 15.10.2025 and "Hosa Digantha" dated 15.10.2025 as per Ex.P7 and 8. The Respondent has not contested the petition and the oral testimony of PW.1 as well as documentary evidence has not been challenged by the Respondent and the same is remained unchallenged. In spite of having taken paper publication of the case in the local daily newspaper, there are no rival claimants appeared before the Court and contested the petition. The evidence of PW.1 remained un-rebutted. Hence, I do not find any reasons to disbelieve the evidence of PW.1.

9. The petitioners are in need of death certificate of their father of the petitioner No.1 to 4 namely Late Late. Gullappa for change of revenue entries and for all aspects in future course of their life. However, it is pertinent to note here that, an entry in the register of births or deaths is not a conclusive evidence of the disputed date of birth or death, so also an entry pursuant to the direction issued under section 13(3) of Registration of Births and Deaths Act 1969. The said view of this Court received the support from the decision reported in AIR 1976 KAR 231 in H.Subbarao V/s The Life Insurance Corporation of India, Bangalore and Another. Therefore, the entry in respect of date of birth or death is subject to proof depends upon the facts and circumstances of each case. Section 13(3) of the Act provides for delayed registration of births and deaths. This Court is conferred with the jurisdiction to make an enquiry as to factum of death of the deceased. The Petitioners have produced non-availability certificate issued by the Registrar of Births and Deaths and also taken paper publication of the case. The documents produced by the petitioner shows the relationship with the deceased. Having satisfied with the said evidence both oral and documentary in granting the relief sought for in the present petition and also considering the necessity of death certificate as sought for due to delayed registration, I am of the considered opinion that, the petition is to be allowed. Hence, I answer Point No.1 in the **Affirmative**'.

10. **Point No.2:** In view of my above discussion and findings on point No.1, I proceed to pass the following:

ORDER

Petition filed by the Petitioners under Section 13(3) of the Registration of Birth and Deaths Act is hereby allowed.

The Respondent is hereby directed to register the factum of death of deceased Late. Gullappa S/o Late. Muniyappa was died on 17.07.2013 at at home Vagata Aghara Village, Jadigenahalli Hobli, Hosakote Taluk, Bengaluru Rural District in the register of Births and Deaths on payment of requisite fee.

(Dictated to the stenographer, directly on the Computer, typed by her, corrected by me and then pronounced in the open Court on this the 15th day of April 2026).

**(Smt. Shilpashree N.S.)
II Addl. Civil Judge & J.M.F.C.,
Hosakote.**

-: ANNEXURE:-

List of Witnesses examined in favour of petitioner:

P.W. 1 : Sri. Anjinappa

List of documents exhibited in favour of petitioners:

- Ex.P. 1 : Non-availability certificate,
Ex.P. 2 : Genealogy Tree
Ex.P.3 to 6 : Original copies of Aadhar Card for
petitioner's,
Ex.P.7 : Business Standard Daily Newspaper
Ex.P.8 : Hosadhigantha Daily Newspaper,

(Smt. Shilpashree N.S.)
II Addl. Civil Judge & J.M.F.C.,
Hosakote.