

KABR610002342026



**IN THE COURT OF PRL. CIVIL JUDGE & JMFC,
NELAMANGALA.**

Dated this the 24th day of April-2026

**SMT. POOJA SHETTI, B.A., LL.B (Hons)
Prl. Civil Judge & JMFC.,
Nelamangala.**

C.Mis.No.35/2026

***Petitioners : 1. Sri. Rangaiah,
S/o late Gavirangaiah,
Aged about 80 years,***

***2. Sri. B. Bettaiah,
S/o late Gavirangaiah,
Aged about 76 years.***

***Both are R/at: Billanakote Village,
Sompura Hobli,
Nelamangala Taluk,
Bengaluru Rural District.***

***3. Sri. Rangaswamy D.
S/o late Dodda Halooddappa,
Aged about 76 years,
R/at: No.1027, 8th Cross,
2nd Main, Kaveripuram,
Kamakshipalya,
Bengaluru North Taluk.***

(By Smt. K.G.N., Advocate)

-V/s-

***Respondents : 1. The Tahasildar,
(Registrar of Birth and Deaths)***

**Nelamangala Taluk,
Nelamangala.**

(Ex-parte)

**Prl. Civil Judge & JMFC,
Nelamangala.**

Petitioners have filed the present petition under section 13(3) of Registration of Births and Deaths Act praying to direct the respondent to register the date of death of Hucchamma W/o late Gavirangaiah as she has died on 01.10.1985 situated at Billanakote Village, Sompura Hobli, Nelamangala Taluk, Bengaluru Rural District, in the concerned register and issue her death certificate thereof.

**2. BRIEF FACTS OF THE CASE OF THE PETITIONERS IS
AS UNDER;**

Deceased is mother of petitioner No.1 and 2 and father brother wife of petitioner No.3 and she has died on 01.10.1985 situated at Billanakote Village, Sompura Hobli, Nelamangala Taluk, Bengaluru Rural District, however the death of said Hucchamma W/o late Gavirangaiah, has not been informed to the respondent due to lack of knowledge. Now the petitioners are in need death certificate of Hucchamma W/o late Gavirangaiah for change of katha, hence the petition.

3. On receipt of notice, the respondent remained absent, therefore he was placed exparte.

4. In order to substantiate the case of petitioners, the petitioner No.1 got himself examined as PW-1 and 6 documents were marked as Ex. P-1 to P-6.

5. Heard counsel for petitioner and perused materials available on record.

1. Whether the petitioners have made out valid grounds to allow the present petition?

2. What order?

6. My answers to above points are as under;

Point No.1 : In the Affirmative.

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

:: REASONS ::

7. **POINT NO.1**: In order to prove their case, the petitioner No.1 got himself examined as PW-1 and filed affidavit in lieu of his examination-in-chief wherein he has reiterated averments of his petition.

8. Ex. P-1 is Non-availability certificate issued by the respondent, Ex. P-2 is notarized Genealogical tree of petitioners family, Ex. P-3 is Aadhaar Card of PW.1 whereas Ex. P-4 & P-5 –

News paper publications. Ex.P-6 is RTC of property standing in name of Hucchamma W/o late Gavirangaiah

9. On perusal of Ex. P-2, it appears that the said Hucchamma W/o late Gavirangaiah is mother of petitioner No.1 and 2 and father brother wife of petitioner No.3. Ex.P-1, it has been noticed that there are no entries available with the respondent about the death of Hucchamma W/o late Gavirangaiah. Similarly even after issuance of notice under Ex P-4 and 5, that is in the daily newspapers, none appeared before the Court, claiming themselves to be interested parties. Further on perusal of Ex.P-6 RTC standing in the name of Hucchamma W/o late Gavirangaiah.

10. It is also well settled that in a proceeding under Section 13(3) of Births and Death Act, Court is concerned with the factum of birth or death and date of birth and date of death is not relevant. This proposition finds support from the ratio laid down by *Hon'ble High Court of Karnataka in 2000(4) KCCR (State of Karnataka Vs Smt. Annakka) which reads thus:*

REGISTRATION OF BIRTHS AND DEATHS ACT, 1969:

Under Section 13(3)- Direction to make an entry in the Birth Register by the Magistrate-Challenged on the ground that except the statement of applicant on oath there was no other material.

Held: the Magistrate in proceeding under Section 13(3) only ascertains the birth of the child and date is not the material consideration as such directions bind only the registration office under the Act to make an entry and does not carry higher probative value.

11. Further when the respondents remained exparte there is no reason to disbelieve the case of petitioners. Reverting to the factual matrices of the present case, having regard to materials available on record and in the absence of justifiable grounds to reject application petitioner certainly direction can be issued to the respondent to make necessary entry in the concern register. Hence I answer this Point No.1 in the affirmative.

12. POINT NO.2: For the reasons assigned at point No.1, this Court proceeds to pass the following;

ORDER

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

The respondent is hereby directed to register the date of death of deceased Hucchamma W/o late Gavirangaiah as she died on 01.10.1985 situated at Billanakote Village, Sompura Hobli,

Nelamangala Taluk, Bengaluru Rural District, along with other requisite details in the concerned register and issue death certificate thereof to the petitioners by receiving prescribed fee if any.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in the Open Court on 24th day of April-2026)

**(SMT. POOJA SHETTI.,)
Prl. Civil Judge & JMFC,
Nelamangala.**

:ANNEXURE:

1. Witnesses examined on behalf of the petitioner:

PW1 : Rangaiah.

2. Documents marked on behalf of the Petitioner :

Ex. P-1	:	Non-availability certificate issued by the respondent.
Ex. P-2	:	Notarized copy of Genealogical tree of petitioners family.
Ex. P 3	:	Aadhaar Card.
Ex. P-4 & 5	:	News paper publications.
Ex. P-6	:	RTC.

3. Witnesses examined on behalf of the respondents:

-NIL-

4. Documents marked on behalf of the respondents :

-NIL-

**Prl. Civil Judge & JMFC,
Nelamangala.**