

KACB600001532026



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
AND JMFC., AT SHIDLAGHATTA.**

Dated this the 02nd day of April, 2026

Present: Smt.Sukanya C.S, B.A, LLB
Prl.Civil Judge and JMFC.,
Shidlaghatta.

Crl.Mis.No. 40/2026

- Petitioners:**
- 1.** Smt. Narasamma
W/o. Dodda Narayanappa,
D/o Late Mallappa,
Aged about 55 years.
 - 2.** Smt. Gopamma
D/o. Dodda Narayanappa,
Aged about 45 years.
 - 3.** Sri. Narayanaswamy
S/o. Dodda Narayanappa,
Aged about 40 years.
 - 4.** Smt. Manjulamma
D/o. Dodda Narayanappa,
Aged about 38 years.
 - 5.** Sri. Manjunath
S/o. Dodda Narayanappa,
Aged about 35 years.

All are R/at
Hallasuru Dinee Village,
Kasaba Hobli,
Sidlaghatta Taluk,
Chikkaballapura District.

(Represented by G.M.S., Advocate)

V/s

Respondent: The Tahasildar,,
Talluk Office, Shidlaghatta.

(Respondent exparte)

**ORDER ON APPLICATION UNDER 13(3) OF THE
REGISTRATION OF BIRTH AND DEATHS ACT.**

The petitioners have filed this petition U/s 13(3) of registration of birth and death Act 1969 to direct the respondent to register the date of death of Sri. Mallappa S/o Late Munikadirappa, who is the father of petitioner No.1 and grand-father of petitioner No.2 and 5, who died on 09.02.2005 at Hallasuru Dinne Village, Kasaba Hobli, Sidlaghatta Taluk, Chickballapur District.

2. The brief facts of the petitioners case is as under:-

The father of petitioner No.1 and grand-father of petitioner No.2 and 5 by name Sri. Mallappa S/o Late Munikadirappa, died on 09.02.2005 and his death has not been recorded in the birth and death register maintained by the respondent authorities. Petitioners have not informed about death of deceased Mallappa to concern authority due to inadvertent. The death certificate of Sri. Mallappa S/o Late Munikadirappa is required for government facilities and other purpose. Upon approaching the respondent, verification of the death register revealed no entry concerning death of Sri. Mallappa S/o Late Munikadirappa, resulting in the issuance of a non availability certificate. Hence, they pray to issue direction to the respondent.

3. In spite of service of notice to the respondent, he remained absent and was placed *ex parte*.

4. Petitioner no.1 got examined herself as PW-1 and got marked 09 documents as Ex.P1 to Ex.P9.

5. Heard counsel for the petitioners. The points that arise for consideration are as hereunder;

POINTS

1. Whether it is necessary to issue direction to the respondent for issuance of death certificate of Sri. Mallappa S/o Late Munikadirappa, who died on 09.02.2005?

2. What order?

6. The findings on the above points are as hereunder:

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1:** The petition is filed by the petitioners under section 13(3) of registration of birth and death Act 1969 for making the entry of date of death of Sri. Mallappa S/o Late Munikadirappa, who was died on 09.02.2005.

8. The petitioner no.1 examined herself as PW-1, wherein she has reiterated the petition averments and got marked 09 documents as Ex.P1 to Ex.P9. Ex.P1 is the non-availability certificate issued by the respondent to the

petitioners. Ex.P2 is the genealogical tree pertaining to the family of the petitioners. On perusal of the same, it clearly establishes their relationship with the deceased Mallappa. Ex.P3 to Ex.P7 are the notarized copies of Aadhar cards. Ex.P8 and Ex.P9 are the paper publications and Ex.P8(a) and Ex.P9(a) are the portion of the paper publications. On perusal of the paper publications at Ex.P8 and Ex.P9, it is evident that they have duly published notice regarding the filing of this petition. Further in spite of paper publication, nobody has come before the court to object the petition or to say about the petition.

9. Respondent inspite of service of notice has not been appeared before the court and has been placed ex-parte. The evidence of PW-1 and Ex.P1 to Ex.P9 documents remained unchallenged and in such circumstances, there is no reason to disbelieve the version of PW-1. Further, the petitioners have duly taken the publication about the fact of filing of this petition. It is settled principle of law is that an entry in the Register of Death is not conclusive evidence of the disputed date of death. The order of this court binds only the Registrar and not others. The entry made by the respondent, pursuant to an order of this court, cannot higher probative value. Therefore, there is nothing to disbelieve the case of the petitioners. Under these circumstances if a direction issued under section 13(3) births and death act to make necessary entries in the death register there will cause no prejudice to the respondent. In view of the none contesting of the petition by the respondent, this court has no option except to accept the plea of the petitioners. Hence, This court answer **Point No.1 in the Affirmative.**

10. **Point No.2:** In view of my findings to point no.1, I proceed to following;

ORDER

The petition filed by the petitioners under Section 13(3) of Registration of Births and Deaths Act 1969 is hereby allowed.

Consequently, the respondent is hereby directed to make proper entry in respect of death of **Sri. Mallappa S/o Late Munikadirappa**, who died on **09.02.2005** in the Death Register and issue certified copy of the same to the petitioners.

The petitioners shall pay necessary fee for the same.

(Dictated to Stenographer directly on computer typed by him, the same is corrected and pronounced by me in the open court on this the 02nd day of April, 2026)

(Smt.Sukanya C.S)
Prl. Civil Judge & JMFC.,
Shidlaghatta.

ANNEXURE**List of witnesses examined on behalf the petitioner:**

PW-1 : Smt. Narasamma.

List of documents marked on behalf the petitioner:

Ex.P1 : Non-availability Certificate.
Ex.P2 : G-tree affidavit.
Ex.P3 - 7 : Notarized copies of Aadhar Cards.
Ex.P8 & 9 : Paper Publications.
Ex.P8(a)&9(a): Portion of paper publications.

List of witnesses examined on behalf the respondent:

- - - Nil - - -

List of documents marked on behalf the respondent:

- - - Nil - - -

Sd/-
(Smt.Sukanya C.S)
Prl. Civil Judge & JMFC.,
Shidlaghatta.

**Order pronounced in open court
(Vide separate sheet)**

ORDER

The petition filed by the petitioners under Section 13(3) of Registration of Births and Deaths Act 1969 is hereby allowed.

Consequently, the respondent is hereby directed to make proper entry in respect of death of Sri. Mallappa S/o Late Munikadirappa, who died on 09.02.2005 in the Death Register and issue certified copy of the same to the petitioners.

The petitioners shall pay necessary fee for the same.

02.04.2026.

**Prl. Civil Judge and JMFC,
Shidlaghatta.**