

KACB600013952026



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

Dated this the 01st day of July, 2026

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

Crl.Mis.No.188/2026

Petitioner:

Sri.Naveen Kumar,
S/o. Muninarayanappa,
Aged about 40 years,
R/at. Basavapatna village,
Jangamakote Hobli,
Shidlaghatta Taluk,
Chikkaballapur District.

Now R/at. Mallur village,
Jangamakote Hobli,
Shidlaghatta Taluk,
Chikkaballapur District.

(Represented by Sri. M.B.Lokesh, Advocate)

V/s

Respondent:

The Tahasildar,,
Talluk Office,
Shidlaghatta.

(Respondent exparte)

**ORDER ON APPLICATION UNDER 13(1) OF THE
REGISTRATION OF BIRTH AND DEATHS ACT.**

The petitioner has filed this petition U/s 13(1) of registration of birth and death Act 1969 to direct the respondent to register the date of death of Smt.Poojamma W/o. Late Muninarayanappa, who is the mother of petitioner, who died on 03.12.2012 at Mallur village, Jangamakote Hobli, Sidlaghatta Taluk, Chickballapur District.

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

The mother of petitioner by name Smt.Poojamma W/o. Late Muninarayanappa died on 03.12.2012 and her death has not been recorded in the birth and death register maintained by the respondent authorities. Petitioner and his family members have informed about death of deceased Poojamma to concern authority orally. The death certificate of Smt.Poojamma W/o. Late Muninarayanappa is required for changing the katha of the property. Upon approaching the respondent, verification of the death register revealed no entry concerning death of Smt.Poojamma W/o. Late Muninarayanappa 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 got examined himself as PW-1 and got marked 06 documents as Ex.P1 to Ex.P6.

5. Heard counsel for the petitioner. 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 Smt.Poojamma W/o. Late Muninarayanappa who died on 03.12.2012?

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 petitioner under section 13(1) of registration of birth and death Act 1969 for making the entry of date of death of Smt.Poojamma W/o. Late Muninarayanappa, who was died on 03.12.2012.

8. The petitioner examined himself as PW-1, wherein he has reiterated the petition averments and got marked 06 documents as Ex.P1 to Ex.P6. Ex.P1 is the non-availability certificate issued by the respondent to the petitioner. Ex.P2 is the genealogical tree pertaining to the family of the petitioner. On perusal of the same, it clearly establishes his relationship with the deceased Poojamma. Ex.P3 is the RTC, which reveals that the property bearing Sy.No.167 of Basavapatna village is standing in the name of husband of deceased Poojamma. Ex.P4 is the notarized copy of Aadhar card. Ex.P5 and Ex.P6 are the paper publications and Ex.P5(a) and Ex.P6(a) are the portion of the paper publications. On perusal of the paper publications at Ex.P5 and Ex.P6, it is evident that he has duly published notice regarding the filling 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.P6 documents remained unchallenged and in such circumstances, there is no reason to disbelieve the version of PW-1. Further, the petitioner 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 have higher probative value. Therefore, there is nothing to disbelieve the case of the petitioner. Under these circumstances if a direction issued under section 13(1) 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 petitioner. 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 petitioner under Section 13(1) 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 **Smt.Poojamma W/o. Late Muninarayanappa** who died on **03.12.2012** in the Death Register and issue certified copy of the same to the petitioner.

The petitioner 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 01st day of July, 2026)

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

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

PW1 : Sri.Naveen Kumar

List of documents marked on behalf the petitioner:

Ex.P1 : Non-availability Certificate.

Ex.P2 : Genealogical tree

Ex.P3 : RTC

Ex.P4 : Notarized copy of Aadhar Card

Ex.P5 & 6 : Paper Publications

Ex.P5(a) & 6(a): Portion of paper publications

List of witnesses examined on behalf the respondent:

Nil

List of documents marked on behalf the respondent:

Nil

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