

KACB600000802025



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

Dated this the 16th day of April, 2026

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

Crl.Mis.No. 739/2025

- Petitioners:**
1. Smt. Kanthamma
W/o. Gangadhara,
Aged about 53 years,
R/at 1st Main Road,
Near Bhadrachari Compound,
Gandhi Nagara,
Kolar Taluk & District.
 2. Sri. Narasimhaiaha,
S/o. Late. Seerlappa,
R/at Ambiganahalli Village,
Sidlaghatta Taluk,
Chickballapura District.
 3. Smt. Vinusha G.
W/o. Kumar T.N.,
Aged about 32 years,
R/at Thalagavara Village & Post,
Chinthamani Taluk,
Chikkaballapura District.

(Represented by B.G., 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 petitioners have 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.Manjula D/o Late. Narasimaiah, who is the younger sister of petitioner no.1, daughter of petitioner no.2 and mother of petitioner No.3, who died on 25.12.1996 at Ambiganahalli Village, Jangamakote Hobli, Sidlaghatta Taluk, Chickaballapura District.

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

The younger sister of petitioner no.1, daughter of petitioner no.2 and mother of petitioner no.3 by name Smt.Manjula W/o Late. Muniraju, died on 25.12.1996 and her death has not been recorded in the birth and death register maintained by the respondent authorities. Petitioners have not informed about death of deceased Manjula to concern authority due to inadvertent. The death certificate of Smt.Manjula W/o Late. Muniraju is required for obtaining genealogical tree. Upon approaching the respondent, verification of the death register revealed no entry concerning death of Smt.Manjula W/o Late. Muniraju, 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 exparte.

4. Petitioner no.1 got examined herself as PW-1 and got marked 07 documents as Ex.P1 to Ex.P7.

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 Smt.Manjula W/o Late. Muniraju, who died on 25.12.1996?

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(1) of registration of birth and death Act 1969 for making the entry of date of death of Smt.Manjula W/o Late. Muniraju, who was died on 25.12.1996. Initially, petitioner No. 1 and 2 filed the present petition. Subsequently, petitioner No.3 was impleaded by way of amendment.

8. The petitioner no.1 examined herself as PW-1, wherein she has reiterated the petition averments and got marked 07 documents as Ex.P1 to Ex.P7. Ex.P1 is the non-availability certificate issued by the respondent to the petitioners. Ex.P2 and Ex.P7 are the genealogical trees pertaining to the family of the petitioners. On perusal of the same, it clearly establishes their relationship with the deceased Manjula. Ex.P3 and Ex.P4 are the notarized copies of Aadhar cards pertaining to petitioner no.1 and 2. 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 they have 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.P7 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(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 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(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.Manjula W/o Late. Muniraju**, who died on **25.12.1996** 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 09th day of April, 2026)

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

ANNEXURE

List of witnesses examined on behalf the petitioner:

PW1 : Smt. Kanthamma

List of documents marked on behalf the petitioner:

Ex.P1 : Non-availability Certificate.

Ex.P2 & 7 : G-tree affidavit

Ex.P3 & 4 : Notarized copies of Aadhar Cards

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.