

KACD220003702026



Presented on : 12-02-2026
Registered on : 12-02-2026
Decided on : 09-04-2026
Duration : 27D-01M-00Y

IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C.,
AT: CHALLAKERE

Present: **Smt. HEMA H.R.**
B.A.L., L.L.B.,
Prl. Civil Judge and JMFC., Challakere.

Dated on the 09th day of April 2026

Crl.Misc.No.137/2026

PETITIONERS:

1. Chikkanna s/o Eranna,
aged about 56 years.
2. Kaduramma w/o Odasiriyappa,
aged about 40 years.
3. Siddappa s/o Eranna,
aged about 60 years.
4. Gowdappa s/o Eranna,
aged about 58 years.

Petitioners are agriculturists and
residents of Nallurahalli village,
Kasaba Hobli, Challakere Taluk.

(By Sri M.S.Jagadeesha Nayaka, Advocate)

V/s

RESPONDENT : The Tahasildar,
Registrar of Births and Deaths,
Taluk Office, Challakere.

(Ex-Parte)

ORDER

The petitioners have filed this petition U/Sec.13(3) of Births and Deaths Act, 1969 seeking direction to the respondent to enter the date of death of father of petitioners No.1, 3 & 4 and father-in-law of petitioner No.2 by name Eranna s/o Gowdappa, on 10.03.1981 in register maintained by the respondent authority.

2. After registration of petition, notice has been issued to the respondent. Though the said notice has been served, respondent did not choose to oppose the petition. The petitioners were also directed to takeout paper publication as mandated by the Hon'ble High Court of Karnataka in the decision of **MUNIYAMMA V/s. DEVEGOWDA**. Even after the paper publication, none had appeared. Hence, it was taken as no objections.

3. The petitioner No.1 orally examined himself as PW.1 and got marked documents as Ex.P1 to Ex.P4, Ex.P3(a) and 4(a).

4. Heard arguments on petitioners side.

5. The following points arise for my consideration:

1) Whether the petitioners prove that the father of petitioners No.1, 3 & 4 and father-in-law of petitioner No.2 by name Eranna s/o Gowdappa died on 10.03.1981 in Nallurahalli village, Kasaba Hobli, Chalakere Taluk?

2) Whether the respondent is to be directed for registering the date of death of the father of petitioners No.1, 3 & 4 and father-in-law of petitioner No.2 in the concerned register?

3) To what order ?

6. My answer to the above points as follows:

Point No.1 : In the Affirmative.

Point No.2 : In the Affirmative.

Point No.3 : As per final order for the following:

REASONS

7. **POINT No.1 & 2:-** The petitioner No.1 orally examined in chief as PW-1 and deposed that there are no civil cases pending against them. Likewise, he has not filed any civil cases. He also deposed that his aunt Eranna s/o Gowdappa died on 10.03.1981 at Nallurahalli village, Kasaba Hobli, Challakere Taluk. Due to lack of legal knowledge he has not intimated the death of his aunt before the respondent authority within the prescribed period. He also deposed that, to obtain family tree and government benefits, the death certificate of his aunt is very much essential. He deposed that when he applied for death certificate of his aunt Eranna s/o Gowdappa, the respondent authority have issued non-availability certificate dated 23.01.2026 which is marked as Ex.P1. The said document shows that there is no entry in respect of death of Eranna s/o Gowdappa, in the concerned register. To prove the relationship of PW-1 with deceased Eranna s/o Gowdappa, he has produced notarized copy of genealogy tree as Ex.P.2. This document reveals that deceased Eranna s/o Gowdappa is father of petitioners No.1, 3 & 4 and father-in-law of petitioner No.2. As per the directions of this Court, the Paper Publications were issued in “Kannada Sampige” and “Prajya Ashaya” Kannada daily newspapers on 27.02.2026 and 26.02.2026 respectively. The said paper publications have been marked as Ex.P3 and Ex.P4. The publication portions have been marked as Ex.P3(a) and 4(a).

8. In this case, the respondent authorities have issued Non-availability Certificate, which is marked at Ex.P1. Since, the petitioners have not informed the death of Eranna s/o Gowdappa, the respondent authorities have rightly issued non-availability certificate. Under the Act, if the information of death have not been given within one year to the respondent authority, the petitioners have to approach Court for getting death certificate. Hence, the petitioners have filed this petition. The evidence of PW-1 remained unchallenged. The reason assigned by the petitioners is lack of knowledge. Under such circumstances, there is provision under law to give direction to the respondent.

9. Regarding probative value of entry made in pursuance of order of Magistrate under *Section 13(3) the Hon'ble High Court of Karnataka in State Of Karnataka Vs Smt. Annakka reported in ILR 2000 KAR 4770 held as follows:- "The law says that an entry which has not been made within one year of its occurrence cannot be made without an order of the Magistrate. Section 13(3) of the Act is just a constraint on the Registrar: It is not a provision whereby an aggrieved party could get an adjudication on his disputed date of birth. The order of the Magistrate binds only the Registrar and not others. The entry made by the Registrar, pursuant to an order of the Magistrate, cannot carry higher probative value and its proof must necessarily depend upon the facts and circumstances of each case."*

10. In view of above legal dictum, evidence on record and the facts of the case, it is a fit case to give direction to respondent to register the death of Eranna s/o Gowdappa. If the death certificate is ordered to be issued, no harm will be caused to the respondent. Thus, there is no hurdle in allowing the

petition. If at all, the respondent is having any grievance, definitely they would have come and contested the matter. Silent on their part discloses that, they have no objections to issue the death certificate. Hence, Point No.1 and 2 are answered in the **affirmative**.

11. **POINT No.3:-** For the aforesaid reasons and discussions, Court proceed to pass the following:

ORDER

The petition filed by the petitioners U/s 13(3) of the Births and Deaths Act-1969 is hereby allowed.

The respondent authority is hereby directed to enter the date of death of Eranna s/o Gowdappa, who died on 10.03.1981 at Nallurahalli village, Kasaba Hobli, Challakere Taluk in the register of death maintained by it after taking necessary charges if any.

The respondent is also directed to mention in the death certificate that the same is issued in pursuance of this order.

It is made clear that, if any dispute arises in connection with the date of death or place of death, it will be subject to the decision of the competent Civil Court.

The petitioners shall bear their own costs.

(Dictated to the Stenographer, directly on Computer and typed by him. The same is corrected and then pronounced by me in the open Court on this the **09th day of April 2026**)

(**HEMA H.R.**)
Prl. Civil Judge & JMFC.,
Challakere.

ANNEXURE**List of witnesses examined on behalf of the petitioners:-**

PW.1 :- Chikkanna

List of documents marked on behalf of the petitioners:-

Ex.P1 :- Non-Availability Certificate

Ex.P2 :- Notarized genealogy tree

Ex.P3 & 4 :- Two News Papers

Ex.P3(a) & 4(a):- Particular portions of News papers.

List of witnesses examined for the respondent:-

-Nil-

List of documents marked for the respondent:-

-Nil-

Prl. Civil Judge & JMFC.,
Challakere.