

KACD220019502025



Presented on : 21-06-2025
Registered on : 21-06-2025
Decided on : 10-06-2026
Duration : 19D-11M-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 10th day of June 2026

Crl.Misc.No.601/2025

PETITIONERS:

1. Manjula R. d/o late D.R.Rangaswamy,
w/o Somashekhara, aged about 30 years,
coolie worker.

2. Ningamma d/o late D.R.Rangaswamy,
w/o Nagaraja, aged about 30 years, coolie.

Petitioners No.1 and 2 are residents of
Sanikere village, Kasaba Hobli, Challakere Taluk.

3. Rangamma w/o Ramanjineya, aged about 65 years,
housewife, r/o Jogimatti layout, Chitradurga District.

(By Sri R.T.Swamy, Advocate)

V/s

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

(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 grandmother of petitioners No.1 and

2 and mother of petitioner No.3 by name Ningamma w/o late Dyamajja, on 04.08.1983 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 herself as PW.1 & Ex.P1 to Ex.P4, Ex.P3(a) and 4(a) are got marked.

4. Heard arguments on petitioners side.

5. The following points arise for my consideration:

1) Whether the petitioners prove that the grandmother of petitioners No.1 and 2 and mother of petitioner No.3 by name Ningamma w/o late Dyamajja died on 04.08.1983 in Sanikere village, Kasaba Hobli, Challakere Taluk?

2) Whether the respondent is to be directed for registering the date of death of the grandmother of petitioners No.1 and 2 and mother of petitioner No.3 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, she has not filed any civil cases. She also deposed that her grandmother Ningamma w/o late Dyamajja died on 04.08.1983 at Sanikere village, Kasaba Hobli, Challakere Taluk. Due to inadvertence and lack of legal knowledge she has not intimated the death of her grandmother before the respondent authority within the prescribed period. She also deposed that, to avail government benefits and to obtain genealogical tree, the death certificate of her grandmother is very much essential. She deposed that when she applied for death certificate of her grandmother Ningamma w/o late Dyamajja, the respondent authority have issued non-availability certificate dated 13.06.2025 which is marked as Ex.P1. The said document shows that there is no entry in respect of death of Ningamma w/o late Dyamajja, in the concerned register. To prove the relationship of PW-1 with deceased Ningamma w/o late Dyamajja, she has produced notarized copy of genealogy tree as Ex.P.2. This document reveals that deceased Ningamma w/o late Dyamajja is grandmother of petitioners No.1 and 2 and mother of petitioner No.3. As per the directions of this Court, the Paper Publications were issued in “Hoysala” and “The Daily News” Kannada daily newspapers on 20.01.2026. 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 Ningamma w/o late Dyamajja, 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 Ningamma w/o late Dyamajja. If the death certificate is ordered to issue, 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 Ningamma w/o late Dyamajja, who died on 04.08.1983 at Sanikere 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 **10th day of June 2026**)

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

ANNEXURE

List of witnesses examined on behalf of the petitioners:-

PW.1 :- Manjula R.

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.