

KACD220036242025



Presented on : 28.10.2025
Registered on : 28.10.2025
Decided on : 11.05.2026
Duration : 0 years, 06 months, 13 days

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

Present: **Sri. PUNITH. B.R.**

B.A., L.L.B.,

Addl. Civil Judge and JMFC., Challakere.

Dated on the 11th day of May 2026

Crl.Misc. No.1006/2025

PETITIONER:

Obaiah S/o Late Bada Palaiah,
aged about 62 years, r/o Mallurahalli village,
Nayakanahatti Hobli, Challakere Taluk.

(By Sri. H.S. Jayaprakash, Advocate)

V/s

RESPONDENT:

The Tahasildar,
(Registrar of Births and Deaths)
Challakere.

(Ex-Parte)

ORDER

The petitioner has 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 mother of petitioner by name **Mallamma W/o Late Bada Palaiah**, on 06.05.2014 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 petitioner has 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 orally examined himself as PW.1 & Ex.P1 to Ex.P4, Ex.P3(a) and 4(a) are got marked.

4. Heard arguments on petitioner side.

5. The following points arise for my consideration:

1) Whether the petitioner proves that the mother of petitioner by name **Mallamma W/o Late Bada Palaiah**, died on 06.05.2014 in the house of petitioner at Mallurahalli village, Nayakanahatti Hobli, Chalakere Taluk?

2) Whether the respondent is to be directed for registering the date of death of the mother of petitioner in the concern 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 orally examined in chief as PW-1 and deposed that there are no civil case is pending against him. Likewise, he has not filed any civil cases. He also deposed that his mother died on 06.05.2014 in his

house at Mallurahalli village, Nayakanahatti Hobli, Challakere Taluk. Due to inadvertence and lack of legal knowledge, he has not intimated the death of his mother before the respondent authority within the prescribed period. He also deposed that, to obtain family tree and government benefits, the death certificate of his mother is very much essential. He deposed that when he applied for death certificate of his mother **Mallamma W/o Late Bada Palaiah** the respondent authority have issued non-availability certificate dated 09.10.2025 which is marked as Ex.P1. The said document shows that there is no entry in respect of death of **Mallamma W/o Late Bada Palaiah** in the concerned register. To prove the relationship of PW-1 with deceased **Mallamma W/o Late Bada Palaiah** has produced the family tree which is marked as Ex.P2. This document reveals that deceased **Mallamma W/o Late Bada Palaiah** is mother of petitioner. As per the directions of this Court, the Paper Publications were issued in "Samagra Janara Suddi" and "Udayakala" Kannada daily newspapers on 28.01.2026 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 petitioner has not informed the death of **Mallamma W/o Late Bada Palaiah** 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 petitioner has to approach Court for getting death certificate. Hence, the petitioner have filed this petition. The evidence of PW-1 remained unchallenged. The reason assigned

by the petitioner is lack of knowledge. Under such circumstances, as 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 **Mallamma W/o Late Bada Palaiah**. 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 petitioner U/Sec.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 **Mallamma W/o Late Bada Palaiah** who died on 06.05.2014 in the house of petitioner at Mallurahalli village, Nayakanahatti 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 petitioner shall bear his 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 11th day of May 2026)

(PUNITH B.R.)

Addl. Civil Judge & JMFC.,
Challakere.

ANNEXURE

List of witnesses examined on behalf of the petitioner:-

PW.1 :- Obaiah

List of documents marked on behalf of the petitioner:-

Ex.P1 :- Non-Availability Certificate

Ex.P2 :- Notarized copy of Family 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-

Addl. Civil Judge & JMFC.,
Challakere.