

KACD320002452026



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

::Present::

Sri. Raghu.M.,

B.A.L,LL.B.,

**Additional Civil Judge & J.M.F.C.,
Hiriyuru**

Dated this the 10th day of July-2026.

Crl.Misc.No.85/2026

Petitioners

- :**
1. Thimmaiah
S/o Bhimabhovi,
Aged about 63 years.
 2. Hanumantappa
S/o Bhimabhovi,
Aged about 75 years.
 3. Thimmakka
D/o Bhimabhovi,
Aged about 73 years.
 4. Jayamma
D/o Bhimabhovi,
Aged about 71 years.
 5. Hanummakka
D/o Bhimabhovi,
Aged about 69 years.
 6. Manjappa
S/o Bhimabhovi,
Aged about 65 years.

7. Sakamma
D/o Bhimabhovi,
Aged about 65 years.
8. Jayanna
S/o Bhimabhovi,
Aged about 65 years.
9. Yallamma
D/o Bhimabhovi,
Aged about 58 years.
10. Ratnamma
W/o Rajappa,
Aged about 56 years.

All are R/o. Dindavara Bhovi
Colony village, J.G.Halli Hobli,
Hiriyuru Taluk, Chitradurga
District.

[Rep.By Sri.N.S, Advocate]

-V/s-

Respondents : 1. Tahasildar/Registrar
Birth and Death Register,
Hiriyur Taluk.

[Ex-parte]

::O R D E R S::

The petitioners have filed this petition Under Section 13[3] of Birth and Death Registration Act 1969 and pray the Court to direct the respondent to enter the date of death of mother of petitioner No.1 to 9 and mother in law of petitioner

No.10 by name Kariyamma W/o Bhimabhovi died on 18.07.2016 in the register.

2. It is the case of the petitioners that, mother of petitioner No.1 to 9 and mother in law of Petitioner No.10 by name Kariyamma W/o Bhimabhovi was died on 18.07.2016 at Dindavara Bhovi Colony village, J.G.Halli Hobli, Hiriyyuru Taluk, Chitradurga District and her death was not informed by the family members to respondent. As such the petitioners need death certificate of Kariyamma for changing khatha of house and land. As such, they have made representation to obtain death certificate of Kariyamma. But the respondent issued a non availability certificate stating that, the date of the death of Kariyamma W/o Bhimabhovi is not registered in the concerned registers. Accordingly, they prayed the court to allow their petition.

3. After filing of this petition by the petitioners, this court has issued notice to the respondent. In spite of service of notice, the respondent did not appear before the Court.

4. As per the directions of this Court, the petitioner took general paper publication in "Suvarna times of

karnataka” and “Chandravalli Surya” Kannada daily news paper dated:25.02.2026 to 20.02.2026 respectively. In spite of it none appeared before the Court to object the petition.

5. In order to prove their case, the petitioner No.1 has got examined himself as PW.1 and got marked Ex.P.1 to Ex.P.10.

6. I have heard the arguments of counsel for petitioners.

7. On the basis of the contentions taken by the petitioners in their petition, the following points arise for my consideration:

1. Whether the petitioners prove that, Kariyamma W/o Bhimabhovi who is mother of petitioner No.1 to 9 and mother in law of petitioner No.10 was died on 18.07.2016 at Dindavara Bhovi colony Village, J.G.Halli Hobli, Hiriyr Taluk, Chitradurga district?

2. What Order?

8. On the basis of pleadings, oral and documentary evidence placed before the Court, my findings to the above points are as under:

Point No.1 : In Affirmative

Point No.2 : As per final orders
for the following:

R E A S O N S

9. Point No.1: That the Petitioners have filed present petition before this court to direct the respondent to register the date of death of mother of petitioner No.1 to 9 and mother in law of petitioner No.10 by name Kariyamma W/o Bhimabhovi who was died on 18.07.2016 at Dindavara Bhovi Colony Village, J.G.Halli Hobli, Hiriya Taluk, Chitradurga district. In order to prove their case petitioner No.1 has examined as P.W-1 and he has reiterated the petition averments in his affidavit of examination-in-chief. However, the petitioners have produced Non-availability Certificate dated 27.01.2026 issued by the respondent, report by village accountant, Mahazar, Report by revenue inspector, Genealogical-tree, notarized copy of Aadhaar card of P.W.1 and notarized copy of Aadhaar card of Kariyamma, Notarized copy of death certificate of Rajappa, paper publications in Suvarna times of karnataka and Chandravalli Surya which are marked as Ex.P.1 to 10.

10. Ex.P-1 discloses that the date of death of mother of petitioner is not entered in the Death Register maintained by the respondent. It is pertinent to note that, report of village

accountant and revenue inspector clear disclose that, after filing application by the petitioners, village accountant has visited the village and after conducting enquiry, he has prepared mahazar and submitted report to revenue inspector stating that, Kariyamma was died at address as stated above is true. As such, except the petitioners, there are no other legal heirs to deceased Kariyamma. As per direction of the court, the petitioners took general paper publication in Suvarna times of karnataka and Chandravalli Surya dated 25.02.2026 and 20.02.2026 respectively. In spite of it, none appeared before the Court to object the petition. As such, documentary evidence is coupled with oral evidence and evidence of P.W-1 remained unchallenged and there are no reasons to disbelieve the same. Sec.13(3) of the Karnataka Registration of Birth and Death Act provides for delayed registration. Therefore Petitioners have proved that date of death of mother of petitioners is not registered in the office of respondent. Hence, the petition filed by the petitioner deserves to be allowed. Hence, for the above discussion, I answered the above **point in the affirmative.**

11. Point No.2: In view of my findings on point No.1 and reasons stated therein, I proceed to pass the following:

: O R D E R :

Petition filed by the petitioners U/Sec.13(3) of Registration of Birth and Death Act 1969 is allowed.

Respondent is directed to register the date of death of mother of petitioner No.1 to 9 and mother in law of petitioner No.10 by name Kariyamma W/o Bhimabhovi was died on 18.07.2016 at Dindavara Bhovi colony Village, J.G.Halli Hobli, Hiriyuru Taluk, Chithradurga District and issue death Certificate to the petitioners after collecting the requisite fee in accordance with the law.

The said entry shall not be the conclusive proof of death and in case of any dispute existing on death, the entries shall be subject to proof.

(Dictated to the stenographer, directly typed by her on computer, corrected and then pronounced by me in the open court on 10th day of July - 2026)

(Raghu.M.)
Addl Civil Judge & JMFC,
Hiriyur.

ANNEXURE**LIST OF WITNESSES EXAMINED FOR PETITIONERS:**

PW.1	Sri. Thimmaiah S/o Bhimabhovi.
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LIST OF DOCUMENTS MARKED FOR PETITIONERS:

Ex.P.1	Non availability certificate
Ex.P.2	Report of Village Accountant.
Ex.P.3	Mahazar drawn by Village Accountant.
Ex.P.4	Report of Revenue Inspector.
Ex.P.5	Copy of Genealogical tree.
Ex.P.6	Notarized copy of Aadhaar card of P.W.1
Ex.P.7	notarized copy of Aadhaar card of Kariyamma,
Ex.P.8	Notarized copy of death certificate of Rajappa.
Ex.P.9	Suvarna Times of Karnataka kannada daily news paper,
Ex.P.10	Chandravalli Surya Kannada daily news paper,

LIST OF WITNESSES EXAMINED FOR RESPONDENT:**Nil****LIST OF DOCUMENTS MARKED FOR RESPONDENT:****Nil****[Raghu.M.]**Addl. Civil Judge & JMFC.,
Hiriyur.