

KACD320029282025



IN THE COURT OF ADDL. CIVIL JUDGE
AND JMFC, AT HIRIYURU

Present: - **Shridhara. H. D.**
B.A. LL.B.,
C/c Addl. Civil Judge & JMFC.,
Hiriyur, Chitradurga

Dated: - This the 2nd of day of April 2026

Criminal Misc. No.680/2025

Petitioner/s:

1. Jayarama
S/o Late Julappa,
Aged about 50 years,
2. Kenchappa
S/o Late Julappa,
Aged about 55 years,
3. Thimmakka
W/o LateJulappa,
Aged about 75 years,
4. Lakshmakka
W/o Thippeswamy,
Aged about 72 years,

All are R/o Doddagatta Village,
Kasaba Hobli,
Hiriyur taluk.

(By Sri. D.G., Advocate)

Versus

Respondent: Tahasildar,
Hiriyuru Taluk,
Hiriyuru.
(Absent)

::-- ORDERS --::

The petitioner has filed petition under section 13(3) of The Registration of Births and Deaths Act, 1969 with a prayer to issue direction to the respondent to make an entry of death of Kenchamma W/o Erappa, as 15.02.1986 and to issue death certificate.

2) It is the case of the petitioner that, Kenchamma W/o Erappa, died on 15.02.1986 at Doddagatta village, Kasaba Hobli, Hiriyur taluk. After the death of Kenchamma W/o Erappa, the petitioner could not get register the date of death into the Death Register maintained by the respondent. Thus, non-registration of date of death by the petitioner is neither intentional nor deliberate. Now, the petitioner wish to change the entries in khata, as such they applied for death certificate before respondent. But, the respondent issued non-availability certificate. Hence, this petition.

3) In order to prove their case, petitioner no.1 Jayarama W/o Julappa, filed affidavit in lieu of examination in chief and got examined as PW-1 and got marked documents as per Ex.P-1 to Ex. P-8.

4) Heard the learned advocate for petitioner and perused the materials available record.

5) The following points would arise for consideration :-

POINTS

1. Whether the petition filed under section 13(3) of Registration of Births & Deaths Act, 1969 by the petitioner is deserves to be allowed?

2. What order?

6) The findings to the above points are as under:-

Point No. 1 : In the affirmative,

Point No. 2 : As per final order, for the following :-

REASONS

7) **Point No. 1:** The facts of the case is already stated above. The petitioner to get change of khata entries, they are in need of death certificate of deceased Kenchamma W/o Erajja. To that effect, petitioner filed affidavit in lieu of examination in chief and examined as PW-1 and he reiterated the petition averments. PW-1 specifically stated that, his grand mother Kenchamma W/o Erajja died on 15.02.1986. He further deposed that, now they require and necessary of death certificate of deceased to get changes in the khata. As such, prays to issue direction to the respondent to make death entry of deceased and issue death certificate to them.

8) At the time of evidence, PW.1 has produced Ex.P-1 non-availability certificate issued by the respondent, 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 Genealogical tree, Ex.P-6 Notarized copies of Aadhar card of PW-1, Ex.P.7 Paper publication published in Times of Karnataka kannada daily news paper, Ex.P-8 paper publication in Karunada Suddi Kannada Daily news paper, and portion of paper publication at P-7(a) and 8(a).

9) On perusal of the documents submitted by PW.1, it shows that the death of deceased Kenchamma W/o Erajja has not been entered in the Death Register maintained by the respondent. Death certificate being an important document as it is a right of family members of deceased to get the same. Law has prescribed proper procedure to get the birth or death registered in the relevant Register. If the petitioner does not do so, within the stipulated time, he has to approach the court for a direction. The respondents absent and have not contest the petition. Therefore, this court come to the conclusion that the petitioner has made out sufficient grounds to allow the petition and prayer of the petitioners seeking a direction to respondent to make an entry of date of death of deceased Kenchamma W/o Erajja as 15.02.1986 in the Death Register and also direct to issue death certificate is

genuine. Accordingly, point No. 1 is answered in the **affirmative**.

10) **Point No.2:-** In view of the findings given in the Point No.1, I proceed to pass the following:-

ORDER

The Petition filed by the petitioner under section 13(3) of The Registration of Births and Deaths Act, 1969 is hereby allowed.

The Respondent is hereby directed to cause necessary entries with regard to death of deceased Kenchamma W/o Erajja as 15.02.1986 at Doddagatta village, Kasaba Hobli,, Hiriur taluk.

Issue death certificate to the petitioners after collecting necessary fees.

(Directly dictated to the stenographer on the desk-top computer, typed by him on-line, corrected, signed and then pronounced by me in the open Court on this the 02nd day of April 2026).

(Shridhar H.D)
C/c Addl. Civil Judge &
JMFC, Hiriuru.

ANNEXURE

List of witnesses examined on behalf of petitioner/s:

PW-1 :: Jayarama

List of documents marked on behalf of petitioner/s:

- 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 :-- Genealogical tree,
Ex.P-6 :-- Notarized copies of Aadhar card of PW-1
Ex.P-7 :-- Times of Karnataka kannada daily news paper,
Ex.P-7(a) :- Concerned portion of publication
Ex.P-8 :-- Karunada Suddi Kannada daily news paper,
Ex.P-8(a) Concerned portion of publication

List of witnesses examined for respondent:

----- NIL-----

List of documents marked for respondent:

----- NIL-----

C/c Addl. Civil Judge &
JMFC, Hiriuru.