

KACD420011262025



**IN THE COURT OF THE ADDL CIVIL JUDGE AND JMFC, AT,  
HOLALKERE**

**:-PRESENT:-**

**HANUMANTHRAYAPPA. B.R.,**  
*BA, LLB,*  
**Addl. Civil Judge & JMFC, Holalkere.**

**Crl.Misc.No.155/2025**

**Dated this the 06<sup>th</sup> day of July- 2026**

**Petitioners:** 1 Smt. Geetha.T  
W/o Late Shivakumar  
Aged about 30 years,  
House hold work  
2 Kum. Nidhi. S D/o Late Shivakumar  
Aged about 04 years,  
2<sup>nd</sup> petitioner minor guardian  
represented mother Smt. Geetha .T  
Both are R/at Jaipura Village,  
Kasaba Hobli, Holalkere Taluk.  
**(By Sri T.V., Advocate)**

**V/s**

**Respondent** : The Tahsildar,  
Registrar of Birth and Deaths,  
Taluk Office, Holalkere.  
**(Exparte)**

**O R D E R S**

The petitioners have filed this petition under section 13(3) of Registration of Birth & Death Act 1969.

2. The case of the petitioners in brief is that, deceased was the husband of petitioner No.1 and father of petitioner

No.2 by name **Shivakumar S/o Obaiah, died on 28/12/2022 at Kamasamudra Village, Kasaba Hobli, Holalkere Taluk, Chitradurga District.** But due to ignorance and illiteracy, the date of death of deceased was not registered in the office of respondent. Recently, petitioners made an application to the respondent to issue the death certificate of deceased. But the respondent office has issued non-availability certificate dated **27/03/2024** stating that no entry found regarding the date of death of deceased. Therefore, they are constrained to file this petition for directing the respondent to enter the date of death of deceased as **28/12/2022** and to issue death certificate.

3. Respondent has remained absent. Public notice was issued in the daily newspaper '**Hosadigantha**' dated 03/07/2024 calling upon the interested persons to participate in the present proceedings. But no one has appeared.

4. The petitioner No.1 examined herself as P.W.1 and got marked 9 documents as Ex.P.1 to P.9.

5. Having heard the following point that would arise for my consideration.

***Whether the petition filed by the petitioners under section 13(3) Registration of Birth and Death Act is deserves to be allowed?***

6. My answer to the above point is in ***Affirmative*** for the following:-

### **REASONS**

7. It is specific case of the petitioners that deceased died on 28/12/2022. But due to ignorance and illiteracy, the date of death of deceased was not informed to the respondent for registration within one year. Therefore, there is no entry found in the register maintained in the office of respondent regarding the date of death of deceased. Now, the petitioners are in need of deceased death certificate for change of katha and for get other government facility. In this regard, the petitioners made an application to the respondent requesting the respondent to issue death certificate of deceased. But the respondent had issued non-availability certificate as per Ex.P.1 stating that no entry found in the concerned register maintained by the respondent. Hence, the petitioners are requesting this court to issue direction to the respondent to register the date of death of deceased. As the respondent remained absent, the positive evidence of P.W.1 remained undisputed.

8. Sec.13(3) Registration of Birth and Death Act enables this court to issue direction to the respondent for making entries with regard to registration of date of death. On perusal of materials available on record, I do not find any reason for rejecting the testimony of petitioners. Hence, I answer the above point in ***Affirmative***. In the result, the following:

**ORDER**

The petition filed by the petitioners under section 13(3) Registration of Birth & Death Act 1969 is hereby **allowed**.

In the result, the respondent is hereby directed to register the date of death of **Sri. Shivakumar S/o Obaiah, died on 28/12/2022 at Kamasamudra Village, Kasaba Hobli, Holalkere Taluk, Chitradurga District** and issue his death certificate on receipt of requisite fee if any.

(Dictated to the Stenographer directly on computer and then pronounced by me in open Court on **06.07.2026**).

**(HANUMANTHARAYAPPA. B.R., )**  
**Addl.Civil Judge & JMFC.,**  
**Holalkere.**

**::A N N E X U R E::****List of witnesses examined for the petitioner/s:**

P.W.1 : Smt. Geetha. T

**List of documents exhibited for the petitioner/s:**

Ex.P.1 : Non availability certificate.  
 Ex.P.2 : Certified copy of mahazar Certificate  
 Ex.P.3-4 : Certified copy of Aadhar cards  
 Ex.P.5 : Notarized copy of Genealogy certificate.  
 Ex.P.6 : Hosadigantha daily newspaper.  
 Ex.P.6(a) : Portion of the publication.  
 Ex.P.7 : Copy of FIR  
 Ex.P.8 : Copy of complaint  
 Ex.P.9 : Copy of postmortem report

**List of witnesses examined for the respondent/s: NIL****List of documents exhibited for the respondent/s: NIL**

**(HANUMANTHARAYAPPA. B.R., )**  
**Addl.Civil Judge & JMFC.,**  
**Holalkere.**