

KACD510001972026



Presented on : 23-01-2026  
Registered on : 23-01-2026  
Decided on : 02-04-2026  
Duration : 2 months, 10 days

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC  
AT HOSADURGA, CHITRADURGA**

**Presided Over by SRI.PRASANNA KUMAR C.,**  
B.A.L., LL.B.,  
Prl.Civil Judge & JMFC, Hosadurga.

**Dated this the 2<sup>nd</sup> day of April, 2026**  
**Crl.Misc./44/2026**

**Between:**

**Sri.Basavarajappa H.N. S/o Late Ningappa**  
Aged about 58 years,  
Agriculturist,  
Resident of Hurulihalli Village,  
Kasaba Hobli  
Hosadurga Taluk  
Chitradurga District

**.. Petitioner**

**(By Sri.H.S.Keerthi Adv. for petitioner)**

**And:**

1. The Tahsildar  
The Registrar of Births and Deaths,  
Taluk office  
Hosadurga Taluk

2. The Village Accountant,  
Sanehalli Phirka  
Kasaba Hobli,

Hosadurga Taluk

.....**Respondents**

**(respondent No.1 and 2 Absent)**

**ORDER ON PETITION UNDER SECTION 13(3) THE  
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969.**

The petitioner has filed this petition under section 13(3) of the Registration of Births and Deaths Act, 1969 with a prayer to issue directions to the respondents to enter the date of death of grand-father of petitioner by name Late Sri.Hanumanthappa S/o Huchchappa as 19.04.1975 who said to have died at Hurulihalli Village, Kasaba Hobli, Hosadurga Taluk.

**Brief facts leading to the present petition are as under:**

2. The petitioner is the permanent residents of above address. Grand-father of petitioner by name Late Sri.Hanumanthappa S/o Huchchappa said to have died on 19.04.1975 at Hurulihalli Village, Kasaba Hobli, Hosadurga Taluk. It has not been registered in the concerned register maintained by the respondent No.1 and 2 as the petitioner's family were not having knowledge to register the same. The petitioner being the legal heir approached the respondent No.1 and 2 for obtaining death certificate of his grand-father. But the respondent No.1 and 2 have issued non-availability certificate stating that, there is no entry of date of death of his grand-father in the concerned register. Hence, the petitioner is constrained to file this petition.

3. Despite due service of Notice, **respondent No.1 and 2** have remained absent. Hence, the petition remained uncontested. Further, inspite of paper publication made in a daily news paper, none of the objectors have appeared before this court to contest the case. Hence, this court proceeded to record evidence of the **petitioner**. Accordingly, the following points would arise for consideration of this court.

### **Points**

1) Whether the petition filed by the **petitioner** deserves to be allowed?

2) What order?

4. In order to establish the case, the **petitioner got himself** examined as PW1 and got marked 04 documents as Ex.P1 to 4. No evidence has been placed by Respondents since **respondent No.1 and 2 are** absent. The evidence placed by the petitioner remained unrebutted and unquestioned.

5. Heard Arguments. On the basis of petition, evidence adduced by the petitioner and all the materials available on record, answer of this court to the above petition is as under:

Point No.1 : ***In the Affirmative.***

Point No.2 : As per final order

for the following :

### **REASONS**

6. **Point No.1** : It is the case of the petitioner that, grand-father of **petitioner by name Late Sri.Hanumanthappa S/o**

Huchchappa said to have died on 19.04.1975 at Hurulihalli Village, Kasaba Hobli, Hosadurga Taluk. But it has not been entered in the concerned register maintained by office of the respondents. The petitioner has applied for the death certificate before the respondent No.1 and 2. But the respondent No.1 and 2 have issued non-availability certificate. Now the death certificate of the deceased is required for the purpose of transfer of Katha, etc.

7. In order to establish the case, the petitioner got himself examined as PW1, filed affidavit in lieu of his examination in chief and reiterated the contents of the petition. During the course of his examination in chief, four documents have been marked as Ex.P1 to 4. Ex.P1 is non-availability certificate issued by the respondent. Ex.P2 is the Genealogical Tree certificate. Ex.P3 is the Adhar card of petitioner and Ex.P4 is the Janashayaprabha news paper publication extract. PW-1 deposed in consonance of the petition averments and other aspects of the said petition. The evidence adduced by the PW-1 has not been disputed by the respondents.

8. Section 13(3) of Registration of Birth and Deaths Act, 1969 reads as under:

***13 (3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the first class or a Presidency magistrate after verifying the correctness of the***

***birth or death and on payment of the prescribed fee.***

9. As per the said provision of law, any births or deaths shall not be entered in the register of births and deaths after one year of the event without order of the Magistrate of First Class or Presidency Magistrate. In this case, from the evidence available on record more particularly as per Ex.P-1 – Non-availability certificate, the same discloses that, the date of death of the deceased person whose death certificate is claimed has not been entered in the register of deaths maintained by respondent No.1 and 2's office. This court does not find any reason to disbelieve the case of the petitioner. Therefore, considering the oral and documentary evidence on record, in the opinion of this court, the petitioner has proved the point No.1 and the petition deserves to be allowed. Accordingly, this court answered Point No.1 in the ***Affirmative.*** However, it is made clear that, this order is restricted to issuance of death certificate alone. If any dispute arises, it is open for the petitioner to file a civil suit for declaration of death of the deceased.

10. **Point No.2:** For the foregoing reasons and discussions made above, this court 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. No costs.

The respondent No.1 and 2 are hereby directed to enter the date of death of grand-father of petitioner by name Late Sri.Hanumanthappa S/o Huchchappa as 19.04.1975 who said to have died at Hurulihalli Village, Kasaba Hobli, Hosadurga Taluk in the concerned death register on receipt of prescribed fees.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in the Open Court on this the 2<sup>nd</sup> day of April, 2026)

(Prasanna Kumar C.)  
Prl. Civil Judge & JMFC,  
Hosadurga.

: **ANNEXURE** :

1. **Witnesses examined on behalf of the Petitioner:**

PW1 : Basavarajappa H.N

2. **Documents marked on behalf of the petitioner :**

Ex.P1 : Non-availability certificate issued by the respondents

Ex.P2 : Genealogical Tree

Ex.P3 : Adhar card of petitioner

Ex.P4 : Paper Publication

3. **Witnesses examined on behalf of the Respondents:**

---NIL----

4. **Documents marked on behalf of the Respondents:**

-----NIL-----

**(Prasanna Kumar C.)  
Prl. Civil Judge & JMFC,  
Hosadurga.**