

KACD510040612025



Presented on : 19-12-2025
Registered on : 19-12-2025
Decided on : 27-04-2026
Duration : 4 months, 8 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 27th day of April, 2026

Crl.Misc./931/2025

Between:

1. Sri.Basavaraja S/o Late Guddappa
Aged about 62 years,
Agriculturist
Resident of Lakkihalli Village,
Madadakere Hobli,
Hosadurga Taluk
2. Smt.Savithamma D/o Late Guddappa,
W/o Kariyappa
Aged about 61 years
House hold work
Resident of Bantanagavi Village,
Madadakere Hobli,
Hosadurga Taluk,
Chitradurga District
3. Sri.Thippeswamy S/o Late Guddappa
Aged about 47 years,
Agriculturist
resident of Lakkihalli village,
Madadakere Hobli,
Hosadurga Taluk

4. Smt.Muddamma D/o Late Guddappa
W/o Lakshmana
Aged about 42 years,
House hold work
Resident of A.K.Colony Gondi
Hiriyuru Village,
Bhadravathi Taluk, Shivamoga District

.. petitioners

(By Sri.D.Nagaraju Adv. for petitioners)

And:

**The Tahasildar,
The Registrar of Birth and Death
Taluk Office,
Hosadurga, Chitradurga Dist**

.....respondent

(respondent Absent)

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

The **petitioners** have filed this petition under section 13(3) of the Registration of Births and Deaths Act, 1969 with a prayer to issue directions to the **respondent** to enter the date of death of mother of petitioners by name Late Smt.Kaduramma W/o Guddappa as 30.09.1993 who said to have died at Lakkihalli village, Madadakere Hobli, Hosadurga Taluk.

Brief facts leading to the present petition are as under:

2. The **petitioners** are the permanent residents of above address. Mother of petitioners by name Late Smt.Kaduramma W/o Guddappa said to have died on 30.09.1993 at Lakkihalli village, Madadakere Hobli, Hosadurga Taluk. It has not been

registered in the concerned register maintained by the respondent as the petitioner's family were not having knowledge to register the same. The **petitioners being the** legal heirs approached the **respondent** for obtaining death certificate of their mother. But the **respondent has** issued non-availability certificate stating that, there is no entry of date of death of their mother in the concerned register. Hence, the **petitioners are** constrained to file this petition.

3. Despite due service of Notice, **respondent has** 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 **petitioners**. Accordingly, the following points would arise for consideration of this court.

Points

- 1) Whether the petition filed by the **petitioners** deserves to be allowed?
- 2) What order?

4. In order to establish the case, the **petitioners No.1 got himself** examined as PW1 and got marked 7 documents as Ex.P1 to 7. No evidence has been placed by respondent since **respondent is** absent. The evidence placed by the petitioner remained unrebutted and unquestioned.

5. Heard Arguments. On the basis of petition, evidence adduced by the petitioners 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 petitioners that, mother of petitioners by name Late Smt.Kaduramma W/o Guddappa said to have died on 30.09.1993 at Lakkihalli village, Madadakere Hobli, Hosadurga Taluk. But it has not been entered in the concerned register maintained by office of the respondent. The petitioner have applied for the death certificate before the respondent. But the respondent has 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 petitioners No.1 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, seven documents have been marked as Ex.P1 to 7. Ex.P1 is non-availability certificate issued by the respondent. Ex.P2 is the Genealogical Tree certificate. Ex.P3 to 6 are the adhar card of petitioners and Ex.P.7 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 respondent.

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's office. This court does not find any reason to disbelieve the case of the petitioners. Therefore, considering the oral and documentary evidence on record, in the opinion of this court, the petitioner have 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 petitioners 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 petitioners under section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed. No costs.

The [respondent](#) is hereby directed to enter the date of death of mother of petitioners [by name Late. Smt.Kaduramma W/o Guddappa as 30.09.1993 who said to have died at Lakkihalli village, Madadakere 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 27th [day of April, 2026](#))

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

: ANNEXURE :

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

PW1 : Sri.Basavaraja

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

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

Ex.P2 : Genealogical Tree

Ex.P3 to 6 : Notarized adhar card of petitioners

Ex.P-7 : [Paper Publication](#)

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

---NIL---

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

-----NIL-----

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