

KACM210003002026



**IN THE COURT OF THE III ADDL. CIVIL JUDGE & J.M.F.C., AT
KADUR,**

**PRESENT: Shri. Thahakaleel K.A, B.A. LL.B.,
II Addl. Civil Judge & JMFC., Kadur
C/c III Addl. Civil Judge & JMFC., Kadur**

DATED: This the 26th day of March 2026

Crl.Misc.No.74/2026

- Petitioners : 1. Channabasavaiah C.S
S/o Late Sangaiah,
Aged about 77 years,
2. Sri. Rudraiah,
S/o late Sangaiah,
Aged about 79 years,
3. Smt. Gowramma
W/o late C.S. Chandrashekaraiyah,
Aged about 62 years,
4. Smt. Rekha C.
D/o Late C.S. Chandrashekaraiyah,
Aged about 37 years,
5. Sri. Yogeshwaraiah,
S/o late C.S. Chandrashekaraiyah,
Aged about 38 years,
6. Sri. Murthaiah,
S/o Late Shanthaveeraiah,
Aged about 58 years,



7. Sri. Thammaiahswamy,
S/o Late Shanthaveeraiah,
Aged about 52 years,
8. Sri. A.S. Shivandaiah,
S/o Late Shanthaveeraiah,
Aged about 57 years,
9. Sri. Meenakshaiah S.,
S/o Late Shanthaveeraiah,
Aged about 56 years,
10. Smt. Vinodamma,
D/o Late Shanthaveeraiah,
Aged about 49 years,

All are Agriculturist,
R/at Channapura Village,
Ajjampura Taluk, Kadur.

(Rep. By Smt. T.P.Tejaswini., Advocate)

V/s

- Respondents :
1. The Tahashildar, Kadur,
Kadur Taluk.
 2. PDO,
Hirenalluru circle, Kadur Taluk.

(Exparte)

KACM210003002026



ORDER

1. The petitioners have filed the present petition U/Sec.13(3) and 10(3) of the Births and Deaths Registration Act, 1969, seeking to enter date of death of Grandmother of Petitioners by name **Smt. Shivamma W/o Late Nanjundaiah.**

2. It is averred in the petition that aforesaid **Smt. Shivamma W/o Late Nanjundaiah** was **demised on 10.08.1992** at **Arehalli Village, Kadur Taluk.** The petitioner No.1 orally intimated to the respondents about the death of said **Smt. Shivamma W/o Late Nanjundaiah**, but the respondents failed to enter the same in the concerned Death Register maintained by the office of respondents. Petitioners approached respondent's office seeking Death Certificate of **Smt. Shivamma W/o Late Nanjundaiah.** But, the respondents did not enter the same in the death register. Now the petitioners requires death certificate of **Smt. Shivamma W/o Late Nanjundaiah.** Hence present petition.

KACM210003002026



3. Despite service of notices, respondents have remained absent and he is placed exparte. Further despite issuance of public notice of petition by way of paper publication in two newspapers, as per direction of Hon'ble High Court of Karnataka in **ILR 2013 KAR 4703**, none have appeared before this Court as respondents.
4. In support of his case, the petitioners got examined petitioner No.1 as PW.1 and got marked the Non-availability certificate, family tree of the petitioners, paper publications issued in Sneha priya and Syadhri newspaper and Aadhar card as Ex.P1 to 5 respectively and closed his side.
5. The following points arise for my consideration:-
 - 1) ***Whether petitioners have made out grounds to allow the petition?***
 - 2) ***What Order?***
6. Heard, perused records.
7. My finding on the above points are as under:-

Point No.1: In the Affirmative.

KACM210003002026



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

REASONS

- 8. POINT No.1:** In order to prove the of the petitioners, the petitioner No.1 got himself examined as PW.1 and got marked the Non-Availability Certificate issued by respondent as per Ex.P.1 and Notarized G-Tree as per Ex P.2, Notarized Aadhar card as per Ex.P3, paper publications issued as per Ex.P4 and 5. He has reiterated contents of petition in his chief examination. Despite service of notice, respondent has not challenged the oral and documentary evidence adduced by petitioners nor any third party has appeared to contest the petition in response to public notice issued in newspapers. It is necessary to produce the same before Revenue authority to change the katha. Hence sufficient grounds are made out by petitioners to allow the petition and **Point No.1 is answered in the Affirmative.**
- 9. Point No.2:** For the reasons stated and findings given on Point No.1, following is:-



ORDER

The Petition filed by the petitioners U/Sec.13(3) of Births and Deaths Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of **Smt. Shivamma W/o Late Nanjundaiah** who **demised on 10.08.1992 at Arehalli Village, Kadur Taluk**, in concerned Death register maintained by him and to issue death certificate to the petitioners accordingly by collecting necessary fees.

(Dictated to the Stenographer directly on the computer, typed by her, then script corrected, signed and pronounced by me in the open court on this **26th day of March 2026**).

(THAHAKALEEL K.A)
C/c III Addl. Civil Judge & JMFC
Kadur.

ANNEXURE

List of witnesses examined on behalf of the petitioners:-

P.W.1 : Sri. Channabasavaiah C.S.

List of documents marked on behalf of the petitioners:-

Ex.P1 : Non-availability certificate;
Ex.P2 : G tree;

KACM210003002026



Ex.P3 : Notarized copy of Aadhar Card;
Ex.P4 : Public notice issued in Snehapriya newspaper;
Ex.P5 : Public notice issued Nada Sayadhri newspaper.

Witnesses examined on behalf of respondent, documents marked:- - - NIL - -

**C/c III Addl. Civil Judge & JMFC
Kadur.**

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