

KACM210008742026



**IN THE COURT OF THE I ADDL. CIVIL JUDGE AND J.M.F.C.,
KADUR**

Dated this the 1st day of June 2026

P R E S E N T

**SRI. MANJUNATHACHARI D.K., B.A., L.L.B.,
I ADDL. CIVIL JUDGE AND J.M.F.C.,
KADUR.**

Crl.Mis.No.129/2026

PETITIONER :

1. Krishnappa S/o Late Maliyappa,
Aged about 70 years, Agriculturist,
R/at Biluwala Village, Kasaba Hobli,
Kadur Taluk, Chikkamagalur District.
2. Chowdamma S/o Late Maliyappa
W/o Late Shivanna,
Aged about 65 years, House Wife,
R/at Biluwala Village, Kasaba Hobli,
Kadur Taluk, Chikkamagalur District.
3. Basappa S/o Late Maliyappa,
Aged about 64 years, Agriculturist,
R/at Biluwala Village, Kasaba Hobli,
Kadur Taluk, Chikkamagalur District.
4. Gowramma S/o Late Maliyappa
W/o Late Rudrappa,
Aged about 55 years, House Wife,
R/at Nallur Village, Kadur Taluk,
5. Malleshappa S/o Late Maliyappa,
Aged about 52 years, Agriculturist,

R/at Biluwala Village, Kasaba Hobli,
Kadur Taluk, Chikkamagalur District.

6. Puttappa S/o Late Maliyappa,
Aged about 49 years, Agriculturist,
R/at Biluwala Village, Kasaba Hobli,
Kadur Taluk, Chikkamagalur District.

7. Maliyamma S/o Late Maliyappa
W/o Ramesh,
Aged about 64 years, House Wife,
R/at Kadur Town, Kadur Taluk.

(Rep. by Sri. Sanjay G.P., Advocate)

V/S

RESPONDENT: The Registrar of Births and Deaths,
R/by The Tahsildar, Kadur,
Kadur Taluk.

(Ex-parte)

**ORDERS ON PETITION FILED UNDER SECTION 13(3) OF
KARNATAKA REGISTRATION OF BIRTH AND DEATH'S ACT,
1969.**

This is a petition filed by the petitioner under section 13(3) of the Registration of Births and Deaths Act, 1969.

2. The brief facts of the case of the petitioner that, the mother of petitioners by name Malamma W/o Maliyappa died on 11.02.2016 at Biluwala village, Kasaba Hobli, kadur Taluk. Due to oversight, but same was not entered in the death register maintained by the respondent office. That the date of death of mother of petitioners has been entered in the family records of the petitioners. In this regard the

petitioners visited the respondent's office to obtain their mother's death certificate from the office of the respondent, but they have issued non-availability certificate. Thus, the petitioners have prayed to direct the respondent to register the date of death of mother of petitioners by name Malamma W/o Maliyappa died on 11.02.2016 at Biluwala village, Kasaba Hobli, kadur Taluk in the registers of the concerned authority.

3. Paper publication was taken by the petitioners in Nada Sayyadri and Sneha Priya news papers, which are daily circulating papers in the locality about the factum of death of petitioner's mother by name Malamma W/o Maliyappa died on 11.02.2016 at Biluwala village, Kasaba Hobli, kadur Taluk. Notice was issued to the respondent and it was served. But the respondent was failed to appear, hence respondent placed exparte and the matter was posted for recording petitioner evidence.

4. In order to prove the petition, the 1st petitioner has filed his chief examination affidavit and in lieu of evidence examined as P.W.1. He has produced and got marked following documents :

- (i) Ex.P.1 is the Non-availability Certificate.
- (ii) Ex.P.2 is the Notarized copy of G-Tree.

- (iii) Ex.P.3 is the Notarized copy of Aadhar card of petitioner No.1
- (iv) Ex.P.4 & 5 Nada Sayyadri & Sneha Priya news papers dated 08.03.2026

5. Heard the arguments and perused the petition averments and documents available on record.

6. The following points arise for my consideration:-

- 1) Whether the petitioner entitled the relief as sought in the petition?
- 2) What order?

7. My answer to the above points are as under:-

Point No.1 : In the Affirmative

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

REASONS

8. Point No.1:- The Petitioners have reiterated the petition averments in his affidavit. Petitioners have stated that, petitioner's mother by name Malamma W/o Maliyappa died on 11.02.2016 at Biluwala village, Kasaba Hobli, kadur Taluk. On perusal of the unchallenged evidence of P.W.1, it is satisfied that the petitioner's mother date of death is 11.02.2016. There are no rival claimants to disbelieve the case of the petitioners. Further, the Court does not find any reason to discard testimony of the petitioner. Therefore, the

Court is of the opinion that the petition is deserved to be allowed. Therefore, I answer the point No.1 in the Affirmative.

9. Point No.2:- In view of answering point No.1, I proceed to pass the following:-

ORDER

The petition filed under Sec.13(3) of Registration of Births and deaths Act is hereby allowed.

Respondent is directed to register the factum of death of petitioner's mother by name Malamma W/o Maliyappa died on 11.02.2016 at Biluwala village, Kasaba Hobli, kadur Taluk.

Further the respondent is directed to issue death certificate by collecting requisite fee if any.

In the circumstances of the case, no orders as to costs.

(Dictated to the Typist directly on computer, computerized by him, corrected, signed to then pronounced by me in the open court on the 1st day of June 2026.)

Sd/-

(MANJUNATHA CHARI D.K.)

I Addl. Civil Judge & JMFC,
Kadur.

ANNEXURE**List of witnesses examined for the petitioner:**

P.W.1 : Sri. Krishnappa

List of documents exhibited for the petitioner:

Ex.P.1 : The Non-availability certificate dated 02.01.2026 issued by the respondent.

Ex.P.2 : The Notarized copy of G-Tree

Ex.P.3 : The Notarized copy of Aadhar card of petitioner No.1.

Ex.P.4 & 5 : Nada Sayyadri & Sneha Priya news papers dated 08.03.2026

List of witnesses examined for the respondent:

- NONE -

List of documents exhibited for the respondent:

- NIL -

Sd/-

(MANJUNATHACHARI D.K.)

I Addl. Civil Judge & JMFC,
Kadur.