



IN THE COURT OF THE II ADDL. CIVIL JUDGE & JMFC
AT KADUR

PRESENT: *Sri. Thahakaleel K.A., B.A., L.L.B.,
C/c. II Addl. Civil Judge and J.M.F.C.,
Kadur.*

Dated this the 07th day of August 2026

Crl. Misc. No.409/2026

1. **Smt. Manglibai D/o Ramanaika,**
W/o Devalanaika,
Aged about 70 years, Homemaker,
2. **Smt. Seethabai D/o Late. Lalyanaika,**
Aged about 65 years, Homemaker,
3. **Smt. Puttibai D/o Lalyanaika,**
Aged about 63 years, Homemaker,
4. **Smt. Lakshmibai D/o Late. Lalyanaika,**
Aged about 62 years, Homemaker,
5. **Sri. Puttanaika S/o Late. Lalyanaika,**
Aged about 60 years, Agriculturist,

All are R/at Chattanapalya Village,
Sakharayapattana Hobli, Kadur Taluk,
Chikkamagalur District.

.....Petitioner/s

(By Sri. H.N.S. Advocate)

-Versus-

Office of the Birth and Death Registrar,
Represented by The Tahasildar
Kadur Taluk, Kadur.

.....Respondent

(Exparte)



:: O R D E R ::

The Petitioners have filed the petition Under Section 13(3) of Registration of Births and Deaths Act, 1969 prays for issue of direction to the respondent to enter the death date of **Sri. Ramanaika W/o Jaggunaika** who was the father of petitioner No.1 and grand father of the petitioner Nos. 2 to 5 and issue of death certificate.

2. It is the case of the petitioners that, the aforesaid **Sri. Ramanaika W/o Jaggunaika** demised on 01.01.1956 at Chattanapalya Village, Sakharayapattana Hobli, Kadur Taluk. Further it is stated that, the petitioners have informed the death date of **Sri. Ramanaika W/o Jaggunaika** to the concerned authorities, but the concerned authorities did not entered the same in the death registrar. Further it is stated that, the petitioners are applied for death certificate before the respondent authority, the authority after verifying in the Registers of Death issued non availability certificate stating that, the death date of **Sri. Ramanaika W/o Jaggunaika** has not been entered in the register of birth and death. Hence, this petition.



3. After registration of the petition in the Criminal Miscellaneous register, this court issued notice to respondents. In spite of issuance of notice, the respondent remained absent. Apart from that, the petitioners have taken public notice through daily newspaper which is circulated at Kadur Taluk that is, “Nadasaiyadri” and “Snehapriya” dated 13.06.2026. No one appeared before the court to oppose the petition filed by the petitioners.

4. In order to prove the case, the petitioner No.5 examined himself as PW-1 and got marked the documents at Ex.P-1 to Ex.P-5. Ex.P-1 is the non-availability certificate, Ex.P-2 is the Genealogical tree, Ex.P-3 is the Notarized copy of Aadhaar Card pertaining to PW.1, Ex.P-4 and Ex.P-5 are the “Nadasaiyadri” and “Snehapriya” dated 13.06.2026.

5. Heard arguments from the learned counsel for the petitioners.

6. Based on the above pleadings, the following points would arise for my consideration:-

- 1) *Whether it is necessary to issue direction to the respondent for issuance of death certificate*



*of **Sri. Ramanaika W/o Jaggunaika** dated:
01.01.1956?*

2) *Whether the petitioners are entitled for the relief as claimed?*

3) *What order?*

7. My findings on the above points are as follows:-

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

Point No.2:- In the ***Affirmative***

Point No.3:- As per the final order
for the following:

:: R E A S O N S ::

8. **POINT No.1 and 2:-** Since these points are interconnected, they are taken up together to avoid repetition of facts.

According to petitioners, **Sri. Ramanaika W/o Jaggunaika** was died on 01.01.1956. They have intimated the death date of above said person to the concerned authorities, but they failed to mention the same in the registrar. In order to prove the same, the petitioner No.5 being a grand son of deceased **Sri. Ramanaika W/o Jaggunaika** examined as PW-1, he deposed that, his grand father died on 01.01.1956 and he has not intimated the death of his grand father to the



respondent authority within time. Further he deposed that, when he has applied for death certificate of his grand father to the respondent authority after searching the register maintained in its office issued non availability certificate stating that, the date of death of **Sri. Ramanaika W/o Jaggunaika** has not been entered in the concerned register. Further deposed that, the death certificate of his grand father **Sri. Ramanaika W/o Jaggunaika** is necessary to produce before the same before the Revenue Authority to change the Katha.

9. In support of his oral evidence, he has produced the non availability certificate issued by the respondent authority which has been marked as Ex.P-1. This court carefully perused the same and noticed that, the death date of **Sri. Ramanaika W/o Jaggunaika** has not been entered in the concerned register. Further the petitioner has produced the genealogical tree of petitioner shows that, he is the legal heir of the deceased **Sri. Ramanaika W/o Jaggunaika**.

10. Further it is important to note that, in-spite of service of notice to the respondent and paper publication, no



one appeared before this court to oppose the petition filed by the petitioners. Further it is noticed that, the oral and documentary evidence remained unchallenged and in such circumstances there is nothing to disbelieve the case of the petitioners.

11. It is noted that, as per Section 13 of the Registration of Births and Deaths Act, 1969, this court has empowered to pass necessary order for entering the date of birth or death which has not been registered within one year of its occurrence, only after verifying the correctness of the birth or death as the case may be, in payment of prescribed fee. It is well settled law that, provisions of Section 13 of the Act, governs a situation, where factum of birth or death has not been registered within one year. Even situations of nature where death or birth had taken place before the provisions of this act came into force. Application before magistrate should be entertained.

12. In the present case on hand, the petitioners seeking directions against the respondent to incorporate the



date of death of deceased in the register of death maintained by the respondent. However on meticulous reading of petition, it appears that, due to inadvertence and ignorance of the petitioners, they did not make the death date of deceased **Sri. Ramanaika W/o Jaggunaika** to be entered by the respondent office within statutory period as contemplated Under Section 13 of the Act. Under such circumstances, if direction is given to the respondent authority as prayed in the petition, no harm or prejudice would be caused to the respondent, otherwise the petitioners will be put to hardship. Hence, the petitioners are entitled for the relief claimed. With these observations this court answered point No.1 and 2 in the **Affirmative**.

13. **POINT No.3:-** In view of the above reasons and discussed, this court proceed to pass the following:-

:: O R D E R ::

The petition filed by the petitioners Under Section 13(3) of the Registration of Births and Deaths Act, is hereby allowed.

Consequently, the respondent is hereby directed to register the date of



death of **Sri. Ramanaika W/o Jaggunaiika** as 01.01.1956 in the death register and issue death certificate to the petitioner.

The petitioners shall pay necessary fee for the same.

[Dictated to the Stenographer on computer, corrected and then pronounced by me in the Open Court on this day **07th day of August 2026**]

Sd/-
(THAHAKALEEL K.A.)
C/c II ADDL. CIVIL JUDGE & JMFC.,
KADUR.

APPENDIX

List of witnesses examined on behalf of the Petitioners :-

PW.1 : Sri. Puttanaika

List of witnesses examined on behalf of the Respondent:-

- Nil -

List of documents marked on behalf of the Petitioners :-

Ex.P1 : Non Availability Certificate
Ex.P2 : Genealogical tree
Ex.P3 : Notarized copy of Aadhaar Card
pertaining to PW.1
Ex.P4-5 : "Nadasaiyadri" and "Snehapriya"
Kannada Newspaper

List of documents marked on behalf of the Respondent :-

- Nil -

Sd/-
C/c II ADDL. CIVIL JUDGE & JMFC.,
KADUR.