

KACM210061762025



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

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

DATED: This the 26th day of March 2026

Crl.Misc.No.812/2025

Petitioner/s : **1.** Sri. S.M. Eashwarappa
S/o Late Mullappashetty,
Aged about 43 years,
Agriculturist,
R/o Swamykatte Village,
Sakharayapatana Hobli,
Kadur Taluk, Chikkamagaluru
District.

2. Smt. Kavitha
D/o Late Mullappashetty,
W/o Dharmashetty,
Aged about 40 years,
Housewife,
R/at Vadderahalli Village,
Yagati Hobli, Kadur Taluk,
Chikkamagaluru District.

3. Smt. Shanthamma
W/o Late Mullappashetty,
Aged about 62 years,
Housewife,
R/o Swamykatte Village,
Sakharayapatana Hobli,
Kadur Taluk, Chikkamagaluru
District.

(Rep. By Sri. G.Manukumar., Advocate)

KACM210061762025

**V/s**

Respondent : The Registrar of Birth and Deaths,
Represented by Tahasildar, Kadur,
Kadur Taluk.

(Exparte)**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 brother of Petitioner No.1 and 2, Son of petitioner No.3 by name **S.M. Prabhakar S/o Mullappashetty**.
2. It is averred in the petition that aforesaid **S.M. Prabhakar S/o Mullappashetty** was **demised on 01.01.2017** at **Swamykatte Village**. The petitioners orally intimated to the respondent about the death of said **S.M. Prabhakar S/o Mullappashetty**, but the respondent failed to enter the same in the concerned Death Register maintained by the office of respondent. Petitioners approached respondent's office seeking Death Certificate of

KACM210061762025



S.M. Prabhakar S/o Mullappashetty. But, the respondent did not enter the same in the death register. Now the petitioner requires death certificate of **S.M. Prabhakar S/o Mullappashetty.** Hence present petition.

3. Despite service of notices, respondent has 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 petitioner 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?**

KACM210061762025



2) What Order?

6. Heard, perused records.
7. My finding on the above points are as under:-

Point No.1: In the Affirmative.

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 petitioner 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

KACM210061762025



katha. Hence sufficient grounds are made out by petitioner 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 petitioner U/Sec.13(3) of Births and Deaths Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of **S.M. Prabhakar S/o Mullappashetty** who **demised on 01.01.2017 at Swamykatte Village, Sakharayapattana Hobli, 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)
II Addl. Civil Judge & JMFC
Kadur.

KACM210061762025

**ANNEXURE****List of witnesses examined on behalf of the petitioners:-**

P.W.1 : Sri. S.M. Eashwrappa.

List of documents marked on behalf of the petitioners:-

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

**II Addl. Civil Judge & JMFC
Kadur.**

Visit ecourts.gov.in for updates or download mobile app "eCourts Services" from Android or iOS