



IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC
AT KADUR

PRESENT: Smt.Amrin Sultana, B.A.L., L.L.B.,
Prl. Civil Judge & JMFC
2nd day of April, 2026
Crl. Misc. No.925/2025

- | | | |
|----|---|---------------------|
| 01 | Sri.K.S.Lokesh s/o Late R.Srinivasa,
Aged about 43 years, Business, | |
| 02 | Sri.S.Anand kumar S/o Late
R.Srinivasa, Aged about 40 years,
Auto driver,
Both are R/at. Emmedoddi road,
Subash Nagara, Kadur town, Kadur
taluk. | Petitioner/S |
| 03 | Smt. Rajeshwari S. S/o Late
R.Srinivasa W/o Shivakumar, Aged
about 45 years, Housewife, R/at. 5 th
cross, Hassan road, Arasikere taluk,
Hassan District. | |

(By Smt.D.C.R., Advocate)

-Versus-

The Birth & Death Officer,
represented by T.M.C.,
Kadur Kadur Taluk.

(*Exparte*)



:: O R D E R ::

The petitioner has filed the petition under section 13(3) of Registration of Births and Deaths Act, 1969 prays for issuance of direction to the respondent to enter the death date of **Smt.Lakshmi W/o Late R.Srinivasa** and issuance of her death certificate.

2. It is the case of the petitioners that, the mother of of petitioners was died on 15.07.1994 at Subash Nagara, Kadur town, Kadur Taluk. Further it is stated that, the petitioners had informed the death date of **Smt.Lakshmi W/o Late R.Srinivasa** to the concerned authorities. But they did not mentioned in the register. Further it is stated that, the petitioner No.1 has applied for death certificate of his mother before the respondent authority, the authority after verifying in the Register of Death issued non availability certificate stating that, the death date of **Smt.Lakshmi W/o Late R.Srinivasa** 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 respondent. In spite of issuance of notice, the respondent remained absent. Apart from that, the petitioner has taken public notice through daily newspapers which were circulated at Kadur Taluk that is, "Snehapriya" and "Nada Sahyadri" dated 17.01.2026. No one appeared before the court to oppose the petition filed by the petitioners.

4. In order to prove the case, the petitioner No.1 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.P2 is the notarized copy of Genealogical tree of petitioner's family. Ex.P.3 is the Aadhar Card pertaining to petitioner No.2/PW.1. Ex.P.4 and Ex.P5 are the "Nada Sahyadri" and "Snehapriya" daily Kannada Newspapers dated 17.01.2026.

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 **Smt.Lakshmi W/o Late R.Srinivasa** dated:15.07.1994?*
- 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, **Smt.Lakshmi W/o Late R.Srinivasa** was died on 15.07.1994. He has intimated about the death date of above said person to the respondent



authority. But they did not mentioned it in the register. In order to prove the same, petitioner No.1 examined as PW-1, he deposed that, his mother was died on 15.07.1994 and his family members have intimated the death of his mother to the respondent authority but they failed to enter in the register. Further he deposed that, when he has applied for death certificate of his mother the respondent authority after searching the register maintained in its office issued non availability certificate stating that, the date of death of **Smt.Lakshmi W/o Late R.Srinivasa** has not been entered in the concerned register. Further deposed that, the death certificate of his mother **Smt.Lakshmi W/o Late R.Srinivasa** is necessary to his family.

9. In support of his oral evidence, he has produced the non availability certificate issued by the respondent authority which is marked at Ex.P-1. This court carefully perused the same and noticed that, the death date of **Smt.Lakshmi W/o Late R.Srinivasa** has not been entered in



the concerned register. Further the petitioner has produced the genealogical tree of petitioners to show that, they are the legal heirs of the deceased **Smt.Lakshmi W/o Late R.Srinivasa.**

10. Further 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 petitioner.

11. It is noted that, as per Section 13 of the Registration of Births and Deaths Act, 1969, this court have 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 petitioner he did not intimate the death date of deceased **Smt.Lakshmi W/o Late R.Srinivasa** to 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 caused to the respondent, otherwise the petitioner 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 **Smt.Lakshmi W/o Late R.Srinivasa** as on 15.07.1994 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 2nd **day of April, 2026.**]

(Smt. AMRIN SULTANA)

Prl. CIVIL JUDGE & JMFC.,
KADUR.

**APPENDIX****List of witnesses examined on behalf of the Petitioners :-**

PW.1 : K.S.Lokesh

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 : Notarized copy of Genealogical tree
Ex.P3 : Copy of Aadhaar card pertaining to PW.1
Ex.P4 : Nada Sahyadri Kannada Newspaper
Ex.P5 : Snehapriya Kannada Newspaper

List of documents marked on behalf of the Respondent :-

- Nil -

PRL. CIVIL JUDGE & JMFC.,
KADUR.