



**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC.,
MUDIGERE**

PRESENT: Smt. Suraksha K.K. B.B.M.,LL.B.,
I Addl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 30th DAY OF JULY 2026

Crl.Misc.No.145/2026

BETWEEN

Laxmamma,
Aged about 80 years,
W/o late Karigowda,
R/o Byduvalli Village,
Gowdahalli Post, Gonibeedu Hobli,
Mudigere Taluk,
Chikkamagaluru District.

....Petitioner

(By Sri. K.R.Harshanth, Adv.,)

AND :

The Tahsildar and
Registrar of Births & Deaths,
Mudigere Taluk.

....Respondent

(Absent)

ORDERS ON MAIN PETITION

This is a petition filed by the petitioner under Section 13(3) of Registration of Birth and Death Act, 1969 seeking for direction by this Court to the respondent authority to enter the date of death of petitioner's husband by name Karigowda S/o



Byregowda who was died on 02.06.1992 at Byduvalli Village, Gowdahalli Post, Gonibeedu Hobli, Mudigere Taluk, in the register maintained by its office.

2) The above petition was filed on 03.03.2026 and this Court has issued notice to the respondent. In spite of service of notice, the respondent has not appeared before this Court and remains absent.

3) Now the following points arise for consideration of this Court:

1. Whether the petitioner has made out grounds for issuance of directions as sought in the petition?

2. What order?

4) In support of the petitioner's case, the petitioner got examined herself as PW1 and got marked documents at Ex.P1 to P5 and closed her side, since the respondent remained absent the cross examination is taken as nil.

5) Heard the petitioner's counsel, and on perusal of oral and documentary evidence produced before this court. This Court answer the above points are as follows:



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

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

REASONS

6) Point No.1: In order to prove the averments of the petition, the petitioner got examined herself as PW1 by filing her Affidavit in lieu of examination-in-chief. Wherein she has reiterated the petition averments. Therefore, it is needless to say as it is nothing but repetition of facts. She has also adduced the documentary evidence and got marked the same as Ex.P1 to P5 documents.

7) It has been contended by the petitioner's that the deceased by name Karigowda S/o Byregowda who is the husband of petitioner was died on 02.06.1992 at Byduvalli Village, Gowdahalli Post, Gonibeedu Hobli, Mudigere Taluk. But, due to oversight, mistake and inadvertence, his date of death is not registered in the concerned register of the respondent authority and now the death certificate of the deceased is required for the purpose of official and legal.

8) It is further contended by the petitioner's that she has not got register the date of death of the deceased at the respondent authority and the same is not an intentional one. Further, when she approached the respondent authority, they



have issued a non-availability certificate instead of issuing death certificate by stating that the date of death of the deceased is not registered. The said non-availability certificate issued by respondent is marked at Ex.P1. The petitioner also adduced evidence and got marked documents at Ex.P2 to 5 which are the notarized copy of genealogy certificate, notarized copy of Aadhaar card of petitioner and paper publications. Ex.P2 goes to show that the petitioner is the legal representative of the deceased.

9) Further, the petitioner got published public notice through news papers publication in Malenadu Nakshatra & Jilla Suddi Maadhyama daily Kannada newspapers on 01.07.2026 respectively as per Ex.P4 & P5. After newspaper publications, no objection has been received with respect to the said paper publications, Ex.P3 is the notarized copy of Aadhaar card of petitioner. Ex.P2 the genealogy affidavit clearly goes to show that the petitioner is the legal representative of the deceased.

10) It is germane to note that, in the present case the respondent has remained absent. Hence, the case of the petitioner is unchallenged by the respondent. Further, the petitioner has established that she is the legal representative of the deceased, and nothing is placed by the respondent as to disbelieve the version of the petitioner. Therefore, in the event of allowing the petition, no other persons will be put into



loss or injustice. On the other hand, in the event of the rejecting the petition, the petitioner will be put into the great hardship and injury. At these circumstances of the case, the petition is deserves to be allowed. Accordingly, this Court answers point No.1 **in the Affirmative.**

11) Point No.2: In view of the above findings on point No.1, this court proceed to pass the following.

ORDER

The petition filed by the petitioner U/sec 13(3) of the Registration of Birth and Death Act, 1969 is hereby allowed.

The respondent is hereby directed to enter the date of death of the deceased by name Karigowda S/o Byregowda, as died on 02.06.1992 at Byduvalli Village, Gowdahalli Post, Gonibeedu Hobli, Mudigere Taluk, in concerned death register and to issue death certificate in favour of the petitioner after deposit of requisite fee, if any.

The said entry shall not be a conclusive proof of death and if in



**case of any dispute there exist, the
death entry shall be subject to proof.**

(Dictated to the Stenographer, directly typed by him on computer,
corrected and then pronounced by me in the open court on **30th day of
JULY 2026, at Mudigere**).

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
Mudigere.

: A N N E X U R E :

**LIST OF WITNESS EXAMINED ON BEHALF OF
PETITIONER:-**

PW1 : Laxmamma

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF
PETITIONER:-**

Ex.P1 : Non availability certificate
Ex.P2 : Notarized copy of Genealogy Certificate
Ex.P3 : Notarized copy of Aadhaar card of petitioner
Ex.P4 & 5 : Paper publications published in Malenadu
Nakshatra & Jilla Suddi Maadhyama daily
Kannada newspapers

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
Mudigere.