



IN THE COURT OF PRL. CIVIL JUDGE & JMFC.,
MUDIGERE

PRESENT: Sri. YOGESHA.M.R B.A.,LL.B.,
Prl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 06th DAY OF JULY 2026

Crl.Misc.No.239/2026

BETWEEN :

Chandrappa,
Aged about 48 years,
S/o late Guruva,
R/o Kunnahalli Village,
Kasaba Hobli,
Mudigere Taluk.

....Petitioner

(By Sri.B.Jagadeesh, Adv.,)

AND :

The Tahsildar,
Mudigere,
Mudigere Taluk.

....Respondent

(Absent)

ORDERS ON MAIN PETITION

This is the petition filed by the petitioner praying to issue direction to the respondent to enter the date of death of the mother of petitioner by name Dekamma W/o late Guruva, who expired on 15.10.2012 at Kunnahalli Village & Post, Kasaba Hobli, Mudigere Taluk, in the concerned register and to direct him to issue death certificate of mother of the petitioner, after collecting the fee.

2. Background facts in a nut-shell are as under;

It is the case of the petitioner that, the mother of petitioner by name Dekamma W/o late Guruva who expired on 15.10.2012 at



Kunnahalli Village & Post, Kasaba Hobli, Mudigere Taluk. But, petitioner could not registered the same with the registrar of births and deaths in time. Now, the petitioner are in need of death certificate of Dekamma W/o late Guruva for the purpose of change of khatha. Further, he contended that, he has filed the application before the respondent's office for issuance of death certificate of Dekamma W/o late Guruva, but the respondent has issued the endorsement regarding that, there is no such entry of date of death of mother of petitioner by name Dekamma W/o late Guruva who expired on 15.10.2012 at Kunnahalli Village & Post, Kasaba Hobli, Mudigere Taluk, in the concerned register. Alleging the above facts the petitioner has filed this petition against the respondent.

3. The notice of petition was served to the respondent. But, the respondent remained absent. Further, the petitioner has taken paper publication with regard to filing of the present petition.

4. The petitioner in order to establish his case, the petitioner examined himself as PW1 and got marked 5 documents as per Ex.P1 to Ex.P5. Ex.P1 is the Non-Availability certificate, Ex.P2 is the Genealogical Tree, Ex.P3 and 4 are the News Papers and Ex.P5 is the notarized copy of Aadhaar card of petitioner. PW1 has filed examination-in-chief affidavit-in-lieu of his oral evidence.

5. Heard the arguments.

6. Upon hearing arguments and on perusal of materials placed on records, the following points arises for consideration;



-: P O I N T S :-

- 1. Whether the petitioner has made out sufficient grounds for allowing the petition ?*
- 2. What order ?*

7. This court answers the above points as hereunder;

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

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

-: R E A S O N S :-

8. Point No.1:- The PW1 in his evidence has reiterated the averments made in the petition.

9. This court has gone through the evidence of PW1, wherein he has clearly deposed that, the mother of the petitioner by name Dekamma W/o late Guruva who expired on 15.10.2012 at Kunnahalli Village & Post, Kasaba Hobli, Mudigere Taluk. Further, the endorsement issued by the respondent reveals that, the date of death of mother of petitioner by name Dekamma W/o late Guruva is not entered in the concerned register. Since the respondent has not appeared before the court, the petition averments made in the affidavit has remained unchallenged. Therefore, Court has no option except to accept the same and come to the conclusion that, the date of death of the mother of petitioner, who expired on 15.10.2012 at Kunnahalli Village & Post, Kasaba Hobli, Mudigere Taluk. There is no evidence to show that, non-intimation of the same to concerned authority is intentional one.



10. Under such circumstances, this court is of the opinion that, if the respondent is directed to register the date of death of mother of petitioner, who expired on 15.10.2012 at Kunnahalli Village & Post, Kasaba Hobli, Mudigere Taluk, in the concerned register, certainly it would meet the ends of justice. On the other hand, no hardship or loss will cause to the respondent. Hence, this Court answered point No.1 in the ***Affirmative***.

11. Point No.2:- For the foregoing reasons, this court proceed to pass the following;

ORDER

The petition filed by the petitioner is hereby allowed.

The respondent is hereby directed to enter the date of death of mother of petitioner by name Dekamma W/o late Guruva, who expired on 15.10.2012 at Kunnahalli Village & Post, Kasaba Hobli, Mudigere Taluk, in the concerned register of births and deaths and issue death certificate to the petitioner, after obtaining necessary fee in accordance with law.

(Dictated to the Stenographer, directly typed by him on computer, corrected and then pronounced by me in the open court on **06th day of JULY 2026, at Mudigere**).

(Yogesha.M.R)
Prl. Civil Judge & JMFC.,
Mudigere.

**: A N N E X U R E :****LIST OF WITNESS EXAMINED ON BEHALF OF petitioner:-**

PW1 : Chandrappa

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF petitioner:-

Ex.P1 : Non availability certificate

Ex.P2 : Notarized copy of Genealogy Affidavit

Ex.P3 & 4 : Paper publications published in Malenadu Nakshathra
& Jilla Sudhi Madhyama daily Kannada news papers

Ex.P5 : Notarized copies of Aadhaar card of petitioner

LIST OF WITNESS EXAMINED ON BEHALF OF RESPONDENT:-

NIL

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

NIL

(Yogesha.M.R)
Prl. Civil Judge & JMFC.,
Mudigere.

VP

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