



**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 01st DAY OF JULY 2026

Crl.Misc.No.441/2025

BETWEEN :

- 1.** Sannaiah,
Aged about 70 years,
S/o Late Ninjaiah.
- 2.** Hemavathi,
Aged about 40 years,
D/o Late Eraiah.
- 3.** Padmavathi,
Aged about 37 years,
D/o Late Eraiah.
- 4.** Geetha,
Aged about 35 years,
D/o Late Eraiah.
- 5.** Sharada,
Aged about 37 years,
D/o Late Eraiah.
- 6.** Manjunatha,
Aged about 33 years,
S/o Late Eraiah.
- 7.** Prasanna,
Aged about 39 years,
S/o Late Nirvanaiah.
- 8.** Maima,
Aged about 37 years,
D/o Late Nirvanaiah.



9. Vasanthamma,
Aged about 56 years,
D/o Late Nanjaiah.

10. Manjula,
Aged about 56 years,
D/o Late Nanjaiah.

11. Gopala,
Aged about 45 years,
S/o Late Ninjaiah.

12. Ramesha,
Aged about 44 years,
S/o Late Ninjaiah.

All are R/o Harmakki,
Angadi Village, Gonibeedu Hobli,
Mudigere Taluk,
Chikkamagaluru Distirict.

....Petitioners

(By Sri.H.S.Ratheesh, Adv.,)

AND :

The Tahsildar,
Mudigere Taluk.

....Respondent

(Absent)

ORDERS ON MAIN PETITION

This is a petition filed by the petitioners 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 mother of petitioner No.1, 9 to 12 and grandmother of petitioner No.2 to 8 by name Devamma W/o Nanjaiah who was died on 04.04.2000 at Harmakki, Angadi Village, Gonibeedu Hobli, Mudigere Taluk, in the register maintained by its office.



2) The above petition was filed on 07.11.2025 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 petitioners have made out grounds for issuance of directions as sought in the petition?

2. What order?

4) In support of the petitioners case, the petitioner No.1 got examined himself as PW1 and got marked documents at Ex.P1 to P5 and closed their 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 No.1 got examined himself as PW1 by filing his Affidavit in lieu of examination-in-chief. Wherein he has reiterated the petition averments. Therefore, it is needless to say



as it is nothing but repetition of facts. He has also adduced the documentary evidence and got marked the same as Ex.P1 to P5 documents.

7) It has been contended by the petitioners that the deceased by name Devamma W/o Nanjaiah who is the mother of petitioner No.1, 9 to 12 and grandmother of petitioner No.2 to 8 was died on 04.04.2000 at Harmakki, Angadi Village, Gonibeedu Hobli, Mudigere Taluk. But, due to oversight, mistake and inadvertence, her date of death is not registered in the concerned register of the respondent authority and now the death certificate of the deceased is for the purpose of change of katha.

8) It is further contended by the petitioners that they have not got register the date of death of the deceased at the respondent authority and the same is not an intentional one. Further, when they 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. PW1 also adduced evidence and got marked documents at Ex.P2 to 6, which are the notarized copy of genealogy affidavit, notarized copy of Aadhar card of petitioner No.1 and paper publications. Ex.P2 goes to show that the petitioners are the legal representatives of the deceased.

9) Further, the petitioners got published public notice through news papers publication in News Nest and Jilla Varadigara Jayamithra daily Kannada newspapers on 11.03.2026 as per Ex.P4



& P5 respectively. After newspaper publications, no objection has been received with respect to the said paper publications. Ex.P2 the genealogy affidavit clearly goes to show that the petitioners are the legal representatives of the deceased and all of them are arrayed as parties to this petition.

10) It is germane to note that, in the present case the respondent has remained absent. Hence, the case of the petitioners are unchallenged by the respondent. Further, the petitioners have established that they are the legal representatives of the deceased, and nothing is placed by the respondent as to disbelieve the version of the petitioners. 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 petitioners 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
petitioners 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 Devamma W/o Nanjaiah as died on 04.04.2000 at Harmakki, Angadi Village, Gonibeedu Hobli, Mudigere Taluk, in concerned death register and to issue death certificate in favour of the petitioners 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 **01st 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 : Sannaiah

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER:-

Ex.P1 : Non availability certificate

Ex.P2 : Notarized copy of genealogy affidavit



- Ex.P3 : Notarized copy of Aadhar card of petitioner No.1
Ex.P4 & 5 : Paper publications published in ews Nest and
Jilla Varadigara Jayamithra daily Kannada newspapers

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