

KACN030001992026



Presented on : 29-01-2026
Registered on : 29-01-2026
Decided on : 05-06-2026
Duration : 04 months 07 days

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
AT CHAMARAJANAGARA

Dated this the 05th day of June 2026

: **PRESENT:**

SMT. **SMITA NAGALAPUR.**, B.A. LL.B.
PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA

C.MIS No.74/2026

PETITIONER/s

- 1. Chamundamma,**
D/o Late Rachaiah,
Aged about 74 years,
- 2. Nanjunda,**
S/o Late Rachaiah,
Aged about 70 years,
- 3. Chennanjamma,**
D/o Late Rachaiah,
Aged about 68 years,
- 4. Mahadevamma,**
D/o Late Rachaiah,
Aged about 65 years,
All are R/at,
No.13/276, Ambedkar Beedi,
Behind Govt., District Hospital,
Kasaba Hobli,
Chamarajanagar Town.

(By Sri H.M.N., Advocate)

V/s

RESPONDENT/s : **The Registrar,**
Birth & Deaths,
City Municipal Council,
Chamarajanagar Town.

(Ex-Parte)

ORDER

The Petitioners have filed this Petition U/Sec.13(3) of Birth and Death Registration Act-1969.

2. The Petitioners have filed the Petition seeking an order for delayed registration of date of death of Brother of petitioners by name **Mahadevaiah S/o Late Rachaiah**. The Petitioners have stated in the petition that they are permanent resident of Kasaba Hobli, Chamarajanagar Town.

3. The Brother of petitioners by name **Mahadevaiah S/o Late Rachaiah** died in Kasaba Hobli, Chamarajanagar Town on **07.09.1965**. After death of the said Brother of petitioners due to oversight and inadvertence not informed the date of death of Brother of petitioners to the Respondent. The cause of delay is not intentional. Now the death certificate of the said Brother of petitioners is required to transfer of katha. The Petitioners stated that except Petitioners there is no any other legal heirs.

4. The Petitioners applied for death certificate of Brother of petitioners in the office of Registrar, Birth and Death, City Municipal Council, Chamarajanagar. The said office has given non availability certificate dated 06.01.2026 and stating that there are no entries pertaining to the death of Brother of petitioners in the Birth and Death register.

5. Thus, Petition has moved before this Court seeking an order for delayed registration of Brother of petitioners death in the Birth and Death register maintained in the Office of Respondent.

6. After service of notice the Respondent remained absent before the Court. The Respondent is Registrar.

7. Heard Counsel for the Petitioners.

8. The following points arise for my consideration.

- (1) Whether the date of death of Brother of petitioners shall be registered in the register maintained by Respondent?
- (2) What order?

9. My answer to the above aforesaid points are as follows:

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

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

::REASONS::

10. Point No.1:- The Petitioner No.1 has examined herself as P.W.1 and got marked non-availability certificate as Ex.P.1, Notarized copy of Genealogical Tree as Ex.P2, Attested copies of adhaar card of Petitioners as Ex.P3 to 6, News paper publications dated:16.03.2026 and 17.03.2026 as Ex.P7 and Ex.P.8 respectively and copy of Assessment Register extract as Ex.P9.

11. On perusal of the Petition it appears that the Brother of petitioners died on 07.09.1965 at Kasaba Hobli, Chamarajanagar Town. The Ex.P.1 discloses that, the death certificate of said Brother of petitioners is not available since his death has not been informed and registered in the office of Respondent.

12. As per the guidelines of the ***Hon'ble High Court of Karnataka in WP No.50331 to 50334/2012 (GM-RES)*** Smt.Muniamma and others Vs. Devegowda, the Petitioners have published the advertisement of the filing of this petition for the purpose of availing delayed registration. The

petitioners also stated that except Petitioners there are no any other legal heirs to the deceased.

13. *On going through material available before the court the Brother of the Petitioners died before commencement of birth and death Registration Act 1969. But before coming into force of this Act, there was the Births, Deaths and Marriages Registration Act 1886 which held the field. Though U/Sec.29 of the present Act it is said that the provisions of this act shall be construed not to be in derogation of the provisions of the 1886.*

14. *The whole object of the act is to ensure that there is a record of birth and deaths duly maintained by a public authority appointed for such purpose and a certificate issued by such an authority evidence of the factum of such birth and death. On reading of provisions of 1886 Act and provisions of present act has to be held that an application before the Magistrate for the purpose of passing an order to enable to the registering the authority to record a birth or death that had taken place beyond the period of one year from the date of intimation should necessary be entertained and should be ordered.*

15. Due to the grievance and lack of knowledge the family of the petitioners could not register the date of death in the office of Respondent after the death of the Brother of

petitioners. The Petitioners have produced Assessment Register extract pertaining to land property No.1436 measuring 27X40 site was standing in the name of Petitioners Father by name deceased Rachaiah. The petitioners are required death certificate of Mahadevaiah for the purpose of mutation of katha in their names. The Petitioners are contending that, they are legal heirs of deceased Mahadevaiah. The reasons stated in the petition as well as in the examination-in-chief of the Petitioner No.1 satisfy this Court about the genuineness of the case of the Petitioners. Moreover, this Order may not be considered as conclusive proof either in Civil or Criminal proceedings. Therefore, I am allowing this application by ordering to register the name of the Brother of petitioners in the register mentioned by the Respondent by condoning the delay. Hence I answer Point No.1 in the **Affirmative**.

16. Point No.2:- For the aforesaid reasons and discussions made above, I proceed to pass the following:-

ORDER

The Petition filed by the Petitioners hereby allowed.

The Respondent is hereby directed to register date of the death of Brother of petitioners by name **Mahadevaiah S/o Late Rachaiah** as **07.09.1965** in **Kasaba Hobli, Chamarajanagar Town** in the Birth and Death register maintained by him.

(Dictated to the Stenographer, typed by her on computer, corrected by me and then pronounced in the open Court on this **05th day of June 2026**)

(SMITA NAGALAPUR)
PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.

ANNEXURE

List of witnesses examined on behalf of petitioner:-

PW-1 : Chamundamma

List of witnesses examined on behalf of respondent:-

- NIL -

List of documents marked on behalf of petitioner:-

Ex.P1 : Non-availability Certificate,

Ex.P2 : Genealogical tree

Ex.P3 to 6 : Notarized copies of Adhara card,

Ex.P7 & 8 : Paper Publications

Ex.P9 : Assessment Register

List of documents marked on behalf of respondent:-

- NIL -

(Smita Nagalapur)
PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.