

KACN030013882025



Presented on : 17-06-2025
Registered on : 17-06-2025
Decided on : 04-06-2026
Duration : 11 mths 18 dys

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

AT CHAMARAJANAGARA

Dated this the 04th day of June 2026

: **PRESENT:**

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

C.MIS No.354/2025

PETITIONER/s **1. Ananda.P,**
S/o Late Prakash,
Aged about 21 years,

2. Naveen.P,
S/o Late Prakash,
Aged about 19 years,
Both are R/at
Ayyanapura Village,
Chamarajanagar Taluk.

(By Sri D.M.S., Advocate)

V/s

RESPONDENT/s : **The Tahasildar,**
Birth and Death,
Chamarajanagara Taluk,
Chamarajanagara.

(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 Father of petitioners by name **Prakash S/o Shivarudrappa**. The petitioners have stated in the petition that he is permanent resident of Udigala Village, Chamarajanagar Taluk and District.

3. The Father of petitioners by name **Prakash S/o Shivarudrappa** died in the Udigala Village at his residence on 29.04.2003. After death of the said Father of the Petitioners, the family of petitioners due to oversight and inadvertence not informed the date of death of his Father to Respondent. The cause of delay is not intentional. Now the death certificate of the Father of petitioners are required for the purpose of to get katha. The Petitioners stated that except Petitioners there is no any other legal heirs to the deceased.

4. The Petitioners applied for death certificate of Father of petitioners in the office of Tahasildar Chamarajanagar. The Tahasildar, Chamarajanagar Taluk has given non availability certificate and stating that there are no entries pertaining to the death of Father of the Petitioners in the Birth and Death register.

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

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

7. Heard Counsel for the petitioner.

8. The following points arise for my consideration.

(1) Whether the date of death of Father 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 himself as P.W.1 and got marked non-availability certificate as Ex.P.1, Notarized copy of Genealogical Tree as Ex.P2, Attested copy of adhaar cards of petitioners as Ex.P.3 and 4, Attested copy of Voter ID as Ex.P5, Death Certificate as Ex.P6, News paper publications dated:10.08.2025 as Ex.P.7 and Ex.P.8 respectively, RTCs as Ex.P9 to 11.

11. On perusal of the Petition it appears that the Father of the Petitioners died on 29.04.2003 at Udigala Village. The Ex.P.1 discloses that, the death certificate of said father of the Petitioners is not available since his death has not been informed and registered in the office of 1st 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 and Respondent No.2 to 9 there are no any other legal heirs to the deceased. Notices served on Respondent No.2 to 9 and they have not appeared before the Court.

13. 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 Father of the Petitioners. The petitioners produced RTCs pertaining to land bearing Sy.No.75/2 measuring 2 acre 22 guntas and Sy.No.38/2 measuring 01.02.00 acres, Sy.No.87/4 measuring 02.14.00 acres, situated at Maduvinabedu Village, Harave Hobli standing in the name of Shivarudrappa S/o Chikkamadappa. The petitioners required death certificate of deceased Prakash for the purpose of mutation of katha in their name and the Petitioners contending that, they are the legal heirs of deceased Prakash. 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. Therefore, I am allowing this application by ordering to

register the name of the father of the Petitioners in the register mentioned by the Respondent by condoning the delay. Hence I answer Point No.1 in the **AFFIRMATIVE**.

14. 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 Father of petitioners by name **Prakash S/o Shivarudrappa** as **29.04.2003** in **Udigala Village, Chamarajanagar Taluk and District** 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 **04th June 2026**)

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

ANNEXURE

List of witnesses examined on behalf of petitioner:-

PW-1 : Ananda.P

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 & 4 : Notarized copies of Adhara card,
Ex.P5 : C/c of Voter ID
Ex.P6 : Death Certificate
Ex.P7 & 8 : Paper Publications
Ex.P9 to 11 : RTCs

List of documents marked on behalf of respondent:-

- NIL -

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

Visit ecourts.gov.in for updates or download mobile app "eCourts Services" from Android or iOS