

KACN030014042025



Presented on : 19-06-2025
Registered on : 19-06-2025
Decided on : 04-06-2026
Duration : 11 mths 16 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.360/2025

- 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.
 - 3. Rathnamma,**
D/o Late Shivarudrappa,
W/o Late Shivanna,
Aged about 55 years,
R/at, Mangala Village,
Kasaba Hobli,
Chamarajanagara Taluk.
 - 4. Sudhamani @ Sudha,**
D/o Late Shivarudrappa,
W/o Shivakumar,

Aged about 53 years,
R/at, Arakalavadi Village,
Haradanahalli Hobli,
Chamarajanagara Taluk.

- 5. Shivaswamy,**
S/o Late Shivarudrappa,
Aged about 46 years,
- 6. Raju,**
Husband of Pushpa
S/o Basavanna,
Aged about 65 years,
- 7. Mahadevaprasad @ Pratheep,**
S/o Raju,
Aged about 32 years,
- 8. Madhusudhan.R @ Prakash,**
S/o Raju,
Aged about 30 years,
No.6 to 8 are R/at,
Balachavadi Village,
Gundlupete Taluk.
- 9. Neelamma,**
D/o Late Chikkamadappa,
Aged about 83 years,
- 10. Gangamma,**
D/o Late Chikkamadappa,
Aged about 81 years,
- 11. Vrushabhendrappa,**
S/o Late Chikkamadappa,
Aged about 79 years,
No.5 & 9 to 11 are R/at,
Udigala Village,
Harave Hobli,
Chamarajanagar Taluk.

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

V/s

- RESPONDENT/s : 1. The Tahasildar,**
Birth and Death,
Chamarajanagara Taluk,
Chamarajanagara.
- 2. Ambika,**
W/o Nanjundappa,
Aged about 65 years,
Uganedahundi Village,
Chamarajanagar Taluk.
- 3. Mangalamma,**
W/o Nanjappa,
Aged about 45 years,
No.122, 4th Cross,
Raghavendranagar,
Mysore City.
- 4. Shylaja @ Nanjammanni,**
W/o Basavarajappa,
Aged about 50 years,
R/at, Sheelavanthapura Village,
Gundlupete Taluk.
- 5. Mahadevamma,**
D/o Late Puttamadappa,
Aged about 55 years,
No.122, 4th Cross,
Raghavendranagar,
Mysore City.
- 6. Guruswamappa,**
S/o Late Puttamadappa,
Aged about 70 years,
- 7. Shivappa,**
S/o Late Puttamadappa,
Aged about 68 years,
- 8. Prabhuswamy,**
S/o Late Puttamadappa,
Aged about 65 years,
- 9. Gurupadappa,**

S/o Late Puttamadappa,
Aged about 54 years,
No.6 to 9 are R/at,
Balachavadi Village,
Gundlupete Taluk.

(Ex-Parte)

O R D E R

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 petitioner No.9 to 11, Grand father of petitioner No.3 to 5 and Respondent No.2 to 9 by name **Chikkamadappa S/o Subbappa**. The petitioners have stated in the petition that he is permanent resident of Udigala Village, Chamarajanagar Taluk and District.

3. The Father of petitioner No.9 to 11, Grand father of petitioner No.3 to 5 and Respondent No.2 to 9 by name **Chikkamadappa S/o Subbappa** died in the Udigala Village at his residence on 12.10.1958. After death of the said Father of the Petitioner No.9 to 11, the family of petitioners due to oversight and inadvertence not informed the date of death of his Father to Respondent No.1. The cause of delay is not intentional. Now the death certificate of the Father of petitioner No.9 to 11, Grand father of petitioner No.3 to 5 and Respondent No.2 to 9 are required for the purpose of legal necessities. The Petitioners stated

that except Petitioners and Respondent No.2 to 9 there is no any other legal heirs to the deceased.

4. The Petitioners applied for death certificate of Father of petitioner No.9 to 11, Grand father of petitioner No.3 to 5 and Respondent No.2 to 9 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 Petitioner No.9 to 11 in the Birth and Death register.

5. Thus, Petition has moved before this Court seeking an order for delayed registration of Father of petitioner No.9 to 11, Grand father of petitioner No.3 to 5 and Respondent No.2 to 9 death in the Birth and Death register maintained in the Office of Respondent No.1.

6. After service of notice the Respondents remained absent before the Court. The Respondent No.1 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 petitioner No.9 to 11, Grand father of petitioner No.3 to 5 and Respondent No.2 to 9 shall be registered in the register maintained by Respondent No.1?

(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, Death Certificate as Ex.P3, Attested copy of adhaar cards of petitioners as Ex.P.4 to 13, Pan Card as Ex.P14, News paper publications dated:14.08.2025 as Ex.P.15 and Ex.P.16 respectively, RTCs as Ex.P17 to 19, Mortgage Deed as Ex.P20, copy of Ration Card as Ex.P21.

11. On perusal of the Petition it appears that the Grand mother of the Petitioners died on 12.10.1958 at Udigala Village, Village. The Ex.P.1 discloses that, the death certificate of said father of the Petitioner No.9 to 11 are 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. *On going through material available before the court the Father of the Petitioner No.9 to 11 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 1st Respondent after the death of the Father of the petitioner No.9

to 11. 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 Chikkamadappa for the purpose of mutation of katha in their name and the Petitioners contending that, they are the legal heirs of deceased Chikkamadappa. 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 Petitioner No.9 to 11 in the register mentioned by the 1st 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 No.1 is hereby directed to register date of the death of Father of petitioner No.9 to 11, Grand father of petitioner No.3 to 5 and

Respondent No.2 to 9 by name **Chikkamadappa S/o Subbappa** as **12.10.1958** 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 : Death Certificate
Ex.P4 to 13 : Notarized copies of Adhara card,
Ex.P14 : Pan Card
Ex.P15 & 16 : Paper Publications
Ex.P17 to 19 : RTCs
Ex.P20 : Mortgage Deed
Ex.P21 : C/c of Ration Card

List of documents marked on behalf of respondent:-

- NIL -

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