

KACN030027422025



Presented on : 24-12-2025
Registered on : 24-12-2025
Decided on : 18-08-2026
Duration : 07 months 25 days

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

Dated this the 18th day of August 2026

: **PRESENT:**

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

C.MIS No.927/2025

- PETITIONER/s**
- 1. Shivashankar.P,**
S/o Late Puttaveerappa,
Aged about 58 years,
R/at, No.40/54,
Durgi Street, Ramasamudra,
Chamarajanagar Town.
 - 2. Malligamma,**
W/o Late Guruswamy,
Aged about 48 years,
R/at, Kottalavadi Village,
Harave Hobli,
Chamarajanagar Taluk.
 - 3. Madalambika,**
D/o Late Guruswamy,
Aged about 37 years,
R/at, Kadathalakattehundi,
Gundlupete Taluk,
Chamarajanagar District.
 - 4. Maheshamma,**
D/o Late Guruswamy,

Aged about 33 years,
R/at, Kaggaladahundi,
Gundlupete Taluk,
Chamarajanagar District.

- 5. Lalithamma,**
D/o Late Puttaveerappa,
W/o Madappa,
Aged about 67 years,
R/at, Kothalavadi Village,
Chamarajanagar Taluk.
- 6. Shanthamma,**
D/o Late Puttaveerappa,
W/o Marappa,
Aged about 73 years,
R/at, Depapura Village,
Gundlupete Taluk,
Chamarajanagar District.
- 7. Neelamma,**
W/o Late Shekarappa,
Aged about 52 years,
R/at, Kothalavadi Village,
Chamarajanagar Taluk.
- 8. Mahavaswamy,**
S/o Late Shekarappa,
Aged about 28 years,
R/at, Kottalavadi Village,
Chamarajanagar Taluk.
- 9. Devamani,**
D/o Late Shekarappa,
Aged about 34 years,
R/at, Shivapura Village,
Gundlupete Taluk.
- 10. Gurumallamma,**
D/o Late Puttaveerappa,
W/o Late R.Subbanna,
Aged about 65 years,

R/at, Kottalavadi Village,
Chamarajanagar Taluk.

(By Sri A.S.S.R., Advocate)

V/s

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

(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 Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 by name **Late Puttaverappa S/o Late Somaiah**. The petitioners have stated in the petition that they are permanent resident in Kottalavadi Village, Harave Hobli, Chamarajanagar Taluk.

3. The Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 by name **Late Puttaverappa S/o Late Somaiah** died in Kottalavadi Village, Harave Hobli, Chamarajanagar Taluk on **01.01.1960**. After death of the said Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9, the family of petitioners due to

oversight and inadvertence not informed the date of death of Grand father of Petitioner No.1 to Respondent. The cause of delay is not intentional. Now the death certificate of the said Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 is required for the purpose of to change the khatha of the property. The Petitioners stated that except Petitioners there is no any other legal heirs to the deceased **Late Puttaverappa S/o Late Somaiah.**

4. The Petitioners applied for death certificate in the Office of Tahasildar Chamarajanagar. The Tahasildar, Chamarajanagar Taluk has given non availability certificate dated 22.08.2025 stating that there are no entries pertaining to the death of Father of petitioner No.1 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.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 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 Tahasildar.

7. Heard Counsel for the Petitioners.

8. The following points arise for my consideration.

(1) Whether the date of death of Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 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.3 has examined himself as P.W.1 and got marked non-availability certificate as Ex.P.1, Genealogical tree as Ex.P2, Attested copies of adhaar card of Petitioners as Ex.P3 to Ex.P12, News paper publications dated:11.06.2026 and 16.06.2026 as Ex.P.13 and Ex.P.14 respectively and Assessment Register as Ex.P15.

11. On perusal of the Petition it appears that the Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 died on 01.01.1960 at Kottalavadi Village, Harave Hobli, Chamarajanagar Taluk. The Ex.P.1 discloses that, the death certificate of said Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 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 father of the Petitioner No.1 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 Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9. The petitioners proceeded Assessment Register pertaining to Junjer No.314, property No.305 measuring 26X19 situated at Kotthalavadi Village standing in the name of Gurumallamma W/o Puttaveerappa, who is the mother of petitioner No.1. The petitioners required death certificate of deceased Puttaveerappa for the purpose of mutation of katha in their name and the Petitiener contending that, they are the legal heirs of deceased Puttaveerappa. 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 cosidered as conclusive proof either in Civil or Criminal proceedings. Therefore, I am allowing this application by ordering to register the name of the Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 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 Father of Petitioner No.1, 5, 6 and 10, Father-in-law of Petitioner No.2 and 7, Grand father of Petitioner No.3, 4, 8 and 9 by name **Late Puttaverappa S/o Late Somaiah** as **01.01.1960** in **Kottalavadi Village, Harave Hobli, Chamarajanagar Taluk** 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 **18th August 2026**)

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

ANNEXURE

List of witnesses examined on behalf of petitioner:-

PW-1 : Shivashankar.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 to 12** : Notarized copies of Adhar card,
- Ex.P13 & 14** : Paper Publications
- Ex.P15** : Assessment Register

List of documents marked on behalf of respondent:-

- NIL -

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

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