

**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
CHANNAGIRI.**

Dated: 13th Day of March 2026

**PRESENT: SMT. MAHALAKSHMI G M.A. L.L.B.,
I Addl. Civil Judge & JMFC, Channagiri.**

Crl. Misc.118/2026

PETITIONERS:

1. Rathnamma
D/o Late Mahadevappa,
W/o Maheshwarappa,
Aged about 65 years,
2. Nagarajappa
S/o Late Mahadevappa,
Aged about 50 years,

**Both are
R/o Kemapayyana Tokkalu Village,
Channeshapura Post,
Channagiri Taluk
Davanagere District,**

(By Shri. M.S.J. Advocate)

V/S

- RESPONDENTS:**
1. The Tahasildar, Taluk Office,
Channagiri Taluk,
Channagiri.
 2. The Village Accountant &
The Birth and Death Registrar,
Channeshapura Circle,
Channagiri Taluk,
Davanagere District.

(Placed exparte)

:- ORDER ON MAIN PETITION :-

The petitioner filed this petition seeking issuance of directions to respondents to enter the date of death of **Sri. Mahadevappa S/o Basappa (ಮಹಾದೇವಪ್ಪ ಬಿನ್ ಬಸಪ್ಪ) who died on 28-05-1988 at Basavapura village, Channagiri Taluk.** The petition notice to the respondents was duly served. In spite of service of notice, the respondents did not appear. Consequent to the same also. The petitioner No.1 has been examined as PW-1 and got marked 3 documents. The Ex-P1 is the notarized copy of non-availability certificate, Ex-P2 is the notarized copy of family tree, Ex-P3 is the notarized copy of aadhaar card of petitioner No.1. The PW-1 has reiterated the contents of the petition in his examination in chief. As the respondents did not choose to appear, the evidence of PW.1 remained unchallenged. There is nothing available on record to disbelieve the version stated by the PW.1 on oath. Apart from this, the explanation given by the PW.1 for non informing the date of death to the concerned authorities is also satisfactory one. The PW.1 is the competent person to say regarding the death. The amendment brought to the registration of Birth and Death Act has been stayed by the Hon'ble High Court of Karnataka in W.P.No.24069/2023 clubbed with 20106/2023, W.P.No.24082/2023 and in that regard the Hon'ble High Court of Karnataka was pleased to issue circular number R.J.234/2023 dated 20.12.2023. Thus,

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this court has got jurisdiction to try the petition and decide it on merits. Hence, in my opinion the petitioner has made out grounds to issue directions to the respondents authority as prayed in the petition. Hence, I pass the following,

:- ORDER :-

The petition filed by the petitioner is hereby allowed.

The respondents are hereby directed to register the date of death of **Sri. Mahadevappa S/o Basappa** (ಮಹಾದೇವಪ್ಪ ಬಿನ್ ಬಸಪ್ಪ) who died on **28-05-1988 at Basavapura village, Channagiri Taluk** and to issue death certificate to the petitioner by collecting necessary fees.

(Direct Dictated to stenographer on computer, and corrected by me, then pronounced in the open court dated this the **13th day of March , 2026**)

(Smt. Mahalakshmi G)
I Addl. Civil Judge & JMFC,
Channagiri.

:-ANNEXURE:-

I. List of witnesses examined by the applicant:

PW-1 : Nagarajappa

II. List of documents produced by the applicant:

- Ex.P-1 : Non-availability certificate
Ex.P-2 : Notarized copy of family tree
Ex.P-3 : Notarized copy of aadhaar card

III. List of witnesses examined by the opponent:

-: NIL :-

IV. List of documents marked on behalf of the Respondents:

-: NIL :-

**I Addl. Civil Judge & JMFC,
Channagiri.**