

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

Dated: 04th Day of April 2026

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

Crl. Misc.138/2026

PETITIONERS:

1. **Doddahalayya
S/o Late Rudrayya,**
2. **T.M Sannaswamy
S/o Rudrayya T.M
Aged about 73 years,

Petitioner No. 1 and 2
R/o Doddaghatta Village,
Channagiri Taluk,
Davanagere District.**
3. **Kotresh D.R
S/o Rudrayya T.M
Aged about 70 years,
R/o: #2200/1/a, 5th main, 5th
cross, MCC A block, Southern
Badavane, Davanagere City ,
Davanagere District.**
4. **Smt. Rudramma .S
W/o Late D.R Sannahalayya,
Aged about 58 years,**
5. **Karibasayya D.S
S/o Late Sannahalayya D.R
Aged about 45 years,**

6. **Nagarajayya .H**
S/o Late Halayya D.R
Aged about 43 years,

Petitioner No. 4 to 6
R/o # 918, Avaregere , PB
Badavane, 4th cross, R.M Yard ,
Davanagere City, Davanagere
District.

(By Shri. R.S., Advocate)

V/S

RESPONDENTS:

1. **The Tahasildar, Taluk Office,**
Channagiri Taluk,
Channagiri.
2. **The Village Accountant &**
The Birth and Death Registrar,
Doddaghatta circle,
Channagiri Taluk,
Davanagere District.

(Placed exparte)

-: ORDER ON MAIN PETITION :-

The petitioners filed this petition seeking issuance of directions to respondents to enter the date of death of **SMT. SHANTHAMMA W/O RUDRAYYA @ MATADA RUDRAYYA** (ಶ್ರೀಮತಿ ಶಾಂತಮ್ಮ ಕೋಂ ರುದ್ರಯ್ಯ ಅಲಿಯಾಸ್ ಮಠದ ರುದ್ರಯ್ಯ) who died on **30.12.2005** at **Doddaghatta 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.3 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 cards of petitioners. 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, 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 **SMT. SHANTHAMMA W/O RUDRAYYA @ MATADA RUDRAYYA** (ಶ್ರೀಮತಿ ಶಾಂತಮ್ಮ ಕೋಂ ರುದ್ರಯ್ಯ ಅಲಿಯಾಸ್ ಮರದ ರುದ್ರಯ್ಯ) **who died on 30.12.2005 at Doddaghatta 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 **04th day of April , 2026**)

Sd/-
(Smt. Mahalakshmi G)
C/C Prl. Civil Judge & JMFC,
Channagiri.

:-ANNEXURE:-

I. List of witnesses examined by the applicant:

PW-1 : Sri. T.M Sannaswamy

II. List of documents produced by the applicant:

- Ex.P-1 : Notarized copy of non-availability certificate
Ex.P-2 : Notarized copy of family tree
Ex.P-3 : Notarized copy of Aadhaar cards of petitioners

III. List of witnesses examined by the opponent:

-: NIL :-

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

-: NIL :-

Sd/-

**C/C Prl. Civil Judge & JMFC,
Channagiri.**