

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

**PRESENT: Sri. Vajresha, B.A. L.L.B.
C/c Prl. Civil Judge & JMFC,
Channagiri.**

DATED THIS THE 7th DAY OF JULY 2026

Crl.Misc.No.474/2026

Petitioners : 1. Sri. Shankaranaika .R
S/o Late Rooplanaika,
Aged about 78 years,
R/o Kengapura Village,
Channagiri Taluk,
Davanagere District.

(By Sri. C.M.K - Advocate)

V/s

Respondents : 1. The Tahasildar, Taluk Office,
Channagiri Taluk,
Channagiri.

2. The Village Accountant and
The Birth and Death Registrar,
Kanivebilachi Circle,
Channagiri Taluk,
Davanagere District.

(Ex-parte)

ORDER

The petitioners have filed this petition under Sec.13(3) of the Registration of the Births and Deaths Act, 1969.

2. **Brief Facts:** The mother of the petitioner by name **Rathnabai W/o Late Rooplanaika** was died on **26.02.1999** at Basavapattana Hobli, Kengapura Village, Channagiri Taluk. It is stated in the petition that petitioners have orally intimated the date of death of deceased to

the respondent authority, but they have not entered the date of death of deceased Rathnabai W/o Late Rooplanaika in the concerned register. The petitioners have applied for Death Certificate of the deceased Rathnabai W/o Late Rooplanaika but the respondents have issued endorsement/Non-availability Certificate on 18.02.2026. As the death certificate of Rathnabai W/o Late Rooplanaika is very necessary for the to get family tree. The petition is filed with a prayer to allow the petition.

3. In spite of service of notice, respondents did not appeared before the court and as such the respondents were placed ex-parte. Petitioner got himself examined as PW-1 and got marked 5 documents as Ex.P1 to Ex.P5.

4. Heard learned counsel for the petitioner. Perused the materials placed before me.

5. Following points arise for my consideration:

1. Whether the petitioner is entitled to the relief sought?

2. What order?

6. My answers to the above points are as below:

Point No.1 :- In the **Affirmative**

Point No.2 :- As per final order, for the following:

REASONS

7. Point No.1:- In-order to prove their case, Petitioner was examined as PW-1 and reiterated the averments of the petition and he has produced endorsement/non-availability certificate issued by the respondents, family tree, news papers and notarized copy of Aadhaar card which are marked as Ex.P1 to Ex.P5 respectively. Ex.P1 shows

that the respondent has certified the Non-availability of Death Certificate of Rathnabai W/o Late Rooplanaika, Ex.P2 is the family tree, which shows that the petitioner is the legal heir of the deceased Rathnabai W/o Late Rooplanaika, Ex.P3 and 4 are the Two News papers, Ex.P5 is the notarized copy of Aadhaar card of petitioner .

8. Under Section 13 of the registration of births and deaths Act 1969, the Magistrate of the First Class has power to pass an order to the concerned authority established under statute to make necessary entries pertaining to the death or birth of any person whose birth or death has not been registered with in one year of its occurrence.

9. By relying on the above said documents, the petitioners sincerely made efforts to prove their contention. Respondents remain absent and the entire evidence available on record remain unchallenged and undisputed. As also, all the necessary persons are made as parties to this petition, therefore, the directions issued by the **Hon'ble High court of Karnataka in the case of Smt. Muniyamma & others v/s Devegowda & others reported in ILR 31/53 KAR 4703** are complied. I find there is no reasons to disbelieve the evidence of the petitioners. I have no other go to accept the case of the petitioners, in the absence of the contra evidence. Therefore, I am of the view that the petitioners are certainly entitled to a direction from court as prayed for in the petition. Accordingly, I answer **Point No.1 in the Affirmative.**

10. Point No.2:- Having answered point No.1 in the affirmative, I proceed to pass the following:

ORDER

The petition filed by the petitioners is hereby allowed.

The respondents are hereby directed to make an entry in respect of death of Rathnabai W/o Late Rooplanaika (ರತ್ನಬಾಯಿ ಕೋಂ ಲೇಟ್ ರೂಪಾನ್ಯಾಯ್ಕ) died on **26.02.1999** at Kengapura Village, Basavapattana Hobli, Channagiri Taluk in the register concerned after collecting necessary fee.

(Dictated to the stenographer directly on the computer, corrected by me and then pronounced in open court, on this the **7th Day of JULY 2026**)

Sd/-
(Vajresha)
C/c Prl Civil Judge and JMFC,
Channagiri.

ANNEXURE

1. List of witnesses examined for the petitioners:

PW-1 : Shankaranaika .R

2. List of documents exhibited for the petitioners:

Ex.P1 : Non-Availability Certificate

Ex.P2 : Family tree

Ex.P3 & 4 : Two News papers

Ex.P5 : Notarized copy of Aadhaar card of petitioner.

3. List of witnesses examined for the Respondents:

- N I L -

4. List of documents exhibited for the Respondents:

- N I L -

Sd/-
(Vajresha)
C/c Prl Civil Judge and JMFC,
Channagiri.