

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

**PRESENT: Sri. Vajresha, B.A. L.L.B.
II Addl. Civil Judge & JMFC,
Channagiri.**

DATED THIS THE 15th DAY OF JULY 2026

Crl.Misc.No.493/2026

Petitioners :

1. Lakshmibai Abbigere
W/o Nagappa,
Aged about 63 years,
R/at Balakoppa Village,
Badhami Taluk,
Bijapura District.
2. Mahantheshappa
S/o Thippanna @ Subbanna,
Aged about 54 years,
R/at Maradi Village,
Channagiri Taluk,
Davanagere District.

(By Sri. Beeresha S - Advocate)

V/s

Respondents :

1. The Tahasildar, Taluk Office,
Channagiri Taluk,
Channagiri.
2. The Village Accountant
Tanigere 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 petitioners by name Muddamma W/o Thippanna @ Subbanna was died on 11.10.2009 at Maradi Village, Channagiri Taluk. It is stated in the petition that the petitioners have orally intimated the death of deceased to the respondents authority, but they have not entered the date of death of the deceased in the concerned register. The petitioners have applied for death certificate of the deceased Muddamma W/o Thippanna @ Subbanna but the respondents have issued endorsement/con-availability certificate on 17.03.2026. The death certificate of Muddamma W/o Thippanna @ Subbanna is very necessary to get family tree and other benefit from the government. The petition is filed with a prayer to allow the petitioners.

3. In spite of service of notice, the respondents did not appeared before the court and as such the respondents were placed ex-parte. Petitioner No.2 got himself examined as PW-1 and got marked 6 documents as Ex.P1 to Ex.P6.

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

5. Following points arise for my consideration:

1. Whether the petitioners are 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 No.2 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, daily newspaper publications, notarized copy of aadhaar card and RTC of Sy.No.3/11 which are marked as Ex.P1 to Ex.P6 respectively. Ex.P1 shows that the respondents have certified the non-availability of death certificate of Muddamma W/o Thippanna @ Subbanna, Ex.P2 is the family tree, which shows that the petitioners are the legal heir of the deceased Muddamma W/o Thippanna @ Subbanna, Ex.P3 and 4 are the daily newspaper, Ex.P5 is the notarized copy of aadhaar card of petitioner No.2 and Ex.P6 is the RTC of Sy.No.3/11.

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 within 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 Muddamma W/o Thippanna @ Subbanna (ಮುದ್ದಮ್ಮ ಕೋಂ ತಿಪ್ಪಣ್ಣ ಯಾನೆ ಸುಬ್ಬಣ್ಣ) died on 11.10.2009 at Maradi Village, 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 **15th Day of July, 2026**)

Sd/-

(Vajresha)

II Addl. Civil Judge & JMFC,
Channagiri.

ANNEXURE**1. List of witnesses examined for the petitioners:**

PW-1 : Mahantheshappa

2. List of documents exhibited for the petitioners:

Ex.P1 : Non-Availability Certificate
Ex.P2 : Family tree
Ex.P3 & 4 : Daily newspaper
Ex.P5 : Notarized copy of aadhaar card
Ex.P6 : RTC of Sy.No.3/11

3. List of witnesses examined for the Respondents:

- N I L -

4. List of documents exhibited for the Respondents:

- N I L -

Sd/-

(Vajresha)

II Addl. Civil Judge & JMFC,
Channagiri.