

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 13th DAY OF AUGUST 2026

Crl.Misc.No.498/2026

Petitioners : Basavarajappa N H
S/o Late Halappa @ Archakara Halappa,
Aged about 63 years,
R/at Nalkudure Village,
Channagiri Taluk.
Davanagere District.

(By Sri. G.R- Advocate)

V/s

Respondents : 1. The Tahasildar
Channagiri Taluk,
Davanagere District.
2. The Village Accountant &
The Birth and Death Registrar,
Nalkudure Circle,
Channagiri Taluk,
Davanagere District.

(R-1 and 2 are placed 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 Gowramma W/o Halappa @ Archakara Halappa was died on 03.02.2015 at Nalkudure 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 Gowramma W/o Halappa @ Archakara Halappa but the respondents have issued endorsement/con-availability certificate on 27.03.2026. The death certificate of Gowramma W/o Halappa @ Archakara Halappa 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 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 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 was examined as PW1 and reiterated the averments of the petition and he has produced endorsement/non-availability certificate issued by the respondents, notarized copy of aadhaar card, family tree and daily newspaper publications which are marked as Ex.P1 to Ex.P5 respectively. Ex.P1 shows that the respondents have certified the non-

availability of death certificate of Gowramma W/o Halappa @ Archakara Halappa, Ex.P2 is the family tree, which shows that the petitioners are the legal heir of the deceased Gowramma W/o Halappa @ Archakara Halappa, Ex.P3 and 4 are the daily newspaper, 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 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 **Gowramma W/o Halappa @ Archakara Halappa** (ಗೌರಮ್ಮ ಕೋಂ ಹಾಲಪ್ಪ ಯಾನೆ ಅರ್ಚಕರ ಹಾಲಪ್ಪ) died on 03.02.2015 at Nalkudure Village, Channagiri Taluk in the register concerned after collecting necessary fee.

(Dictated to the typist directly on the computer, corrected by me and then pronounced in open court, on this the **13th Day of August, 2026**)

Sd/-

(Vajresha)

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

ANNEXURE

1. List of witnesses examined for the petitioners:

PW-1 : Basavarajappa N H

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

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 & JMFC,
Channagiri.**