

KADG320005842026



Presented on : 30-01-2026
Registered on : 30-01-2026
Decided on : 04-07-2026
Duration : 0 years, 5 months, 5 days

IN THE COURT OF THE I ADDL. CIVIL JUDGE & J.M.F.C.
HARIHAR

:PRESENT:

Sri. SHRINIVAS PATIL. B.A. LL.B. LL.M

I Addl. Civil Judge & JMFC, Harihar.

Crl.Misc.No.180/2026

Dated this 04th day of July, 2026

Petitioner: **Nibageru Gulappa.,**
S/o. Laxmappa.,
Aged about 53 years,
R/o: Holesirigere Village,
Harihar Taluk,
Davanagere District.

(By Sri.B.G.B., Advocate)

Vs.

Respondent: The Birth and Death Registrar,
The Tahasildar, Tq: Harihar
Davangere District.

(Absent)

ORDERS

This is a petition filed by the petitioner U/s 13(3) R/w Sec.10(3) of the Registration of Births and Deaths Act 1969 against the respondent.

2. The facts of the case are as under:

The petitioner's daughter by name Pooja N.G. D/o. Guleshappa died on 26.03.2021 at Holesirigere village, Harihar Taluk, Davanagere District. Due to inadvertence, neither the petitioner nor his family members have intimated the death of his daughter to the respondent office. The petitioner requires the death certificate of his daughter to change khatha in respect of immovable property. When the petitioner has applied for his daughter's death certificate, the respondent office had issued non-availability certificate stating that, the said death was not entered in the respondents register. So the cause of action arose to file the petition on 30.01.2026 when the respondent has issued non availability certificate stating that his daughter date of death was not registered in the death Register maintained by the respondent and prays to allow the petition.

3. After due service of notice, and paper publication as per the ruling of Hon'ble High Court of Karnataka none of the parties have appeared before this Court filed any objection

to this petition. Hence the respondent remained absent.

4. The petitioner himself was examined as PW-1 and got marked the Non-availability certificate as Ex.P.1, Two Paper publications as Ex.P.4 and Ex.P.5 respectively, Genealogical affidavit as Ex.P.3, Copy of Aadhar cards of the petitioner and his daughter as Ex.P.2 and 6.

5. Heard Ld. Counsel for petitioner.

6. The points that arise for Court determination are as under:

1. Whether the petitioner is entitled for the relief as prayed for?
2. What Order?

7. This Court answers to the above points is as under:

Point No.1 : In the Affirmative

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

REASONS

8. Point No.1: In order to prove the above point the petitioner is examined as PW-1 by filing an affidavit in lieu of his examination-in-chief. PW.1 deposed that, his daughter by name Pooja N.G. D/o. Guleshappa died on 26.03.2021 at her residence of Holesirigere village, Harihar Taluk, Davanagere District. Due to inadvertence his family members have not intimated the date of death of his daughter to the respondent office and when the petitioner

has applied for his daughter's death certificate, the respondent office had issued non-availability certificate stating that, the said death of Pooja N.G. D/o. Guleshappa was not entered in the register maintained by the respondent's office. The learned counsel for the petitioner submitted during arguments that the death certificate of petitioner's daughter is required to produce before concerned authority to change the khatha of immovable property and for other purposes. If the said death is not registered, the petitioner will be put to great hardship and on the other hand there will be no hardship or inconvenience would be caused to the respondent. There is no rival claim either by the respondent or by any person though the petitioner has summoned the interested persons through public notice published in the daily newspapers. The petitioner has filed his affidavit and deposed on oath. There are no reasons to disbelieve the evidence of petitioner. Though the respondent was served with notice, the PW.1 was not cross examined. Ex.P.2 and 3 show that the petitioner is the father of the said Pooja N.G. D/o. Guleshappa. The evidence of P.W.1 is unchallenged. Hence, the petitioner is entitled to get enter the date of death of the deceased Pooja N.G. D/o. Guleshappa and for death certificate of the said Pooja N.G. D/o. Guleshappa as prayed. In the result the point No.1 is answered in Affirmative.

9. Point No.2: In view of the aforesaid reasons, proceed to pass the following,

ORDER

The petition filed by the petitioner U/s 13(3) of the Registration of Births & Deaths Act 1969, is hereby allowed.

The respondent is hereby directed to register the date of death of the petitioner's daughter by name Pooja N.G. D/o. Guleshappa N. (ಪೂಜ ಎನ್.ಜಿ. ತಂದೆ ಗುಲೇಶಪ್ಪ ಎನ್.) by entering the date of death as 26.03.2021 and also the place of death as Holesirigere village, Harihar Taluk, Davanagere District after collecting necessary fee.

(Dictated to the stenographer directly over the computer, got typed by her, corrected by me, signed and then pronounced by me in the open court this day of 04th day of July, 2026)

Sd/-
(SHRINIVAS PATIL)
I Addl. Civil Judge & JMFC,
Harihar.

ANNEXURE

Witness examined for the Petitioner:

PW.1

Nibagura Gulappa

Documents marked for the Petitioner:

Ex.P.1	Non-availability certificate
Ex.P.2 & 6	Copy of Aadhar cards
Ex.P.3	Genealogical Tree affidavit
Ex.P.4 & 5	Two Paper publications

Witnesses examined on behalf of Respondent:

- NIL -

Documents marked on behalf of Respondent:

- NIL -

Sd/-
I Addl. Civil Judge & JMFC,
Harihar.

