



PRESENT: **SRI. BIRAPPA KAMBLE,**
B.A. LL.B.(Hon's)
Prl. Civil Judge & J.M.F.C., Harihar.

DATED THIS THE 20th DAY OF JULY, 2026

Manjunatha Sirigere S/o Late. Kotrappa,
Aged about 45 years,
R/o Devarabelakere village,
Harihar Taluk, Davangere District.

-V/s-

The Birth and Death Registrar
The Tahasildar, Harihar Taluk.

ORDER

The petitioner has filed the petition under Section 13 (3) of Registration of Births and Deaths Act, 1969 praying for issue of direction to the respondent to issue death

certificate of **Kotrappa S/o Mahadevappa**, who died on **23.07.1996**.

2. The facts in brief is as follows:

The father of the petitioner by name **Kotrappa S/o Mahadevappa** was died on **23.07.1996**. The date of death of said **Kotrappa S/o Mahadevappa** has not been informed to the concerned authorities in time. The respondent has not entered the date of death of **Kotrappa S/o Mahadevappa** in the concerned death register. The petitioner require the Death Certificate of **Kotrappa S/o Mahadevappa** to produce before the concerned authorities. When the petitioner applied for death certificate, the respondent has issued Non Availability Certificate stating that, there is no entry regarding death of **Kotrappa S/o Mahadevappa**. Hence, prayed to allow the petition.

3. The respondent remained absent inspite of service of notice. Hence, placed exparte.

4. Petitioner got examined himself as PW.1 and got marked 5 documents as Ex.P.1 to 5 and closed his side evidence.

5. Heard the arguments.

6. On the basis of the above, the following points arise for my consideration.

1: Whether petitioner is made out sufficient grounds to allow the petition?

2: What order?

7. My answer to the above points in the affirmative for the reason mentioned infra.

REASONS

8. **Point No.1** : As per the evidence of PW1, **Kotrappa S/o Mahadevappa** died on **23.07.1996**. He has further deposed that, he has not intimated the death of **Kotrappa S/o Mahadevappa** to the respondent's authority in time. When petitioner has applied for the Death Certificate of **Kotrappa S/o Mahadevappa**, the respondent has issued Non availability Certificate stating that, the date of death of **Kotrappa S/o Mahadevappa** has not been entered in concerned Register. The petitioner require the Death Certificate of **Kotrappa S/o Mahadevappa** for the purpose of producing before concerned authorities.

9. PW.1 has produced the Non availability Certificate issued by respondent and got it marked as Ex.P.1. On perusal of Ex.P.1 it appears that, the date of death of **Kotrappa S/o Mahadevappa** is not entered by

respondent in the concerned Register. Ex.P.2 is the copy of Aadhar card of PW.1 and Ex.P.3 is the Genealogical tree. The petitioner has also produced the paper publications made by the petitioner about filing of this petition. The paper publications have been got marked as per Ex.P4 and Ex.P5. Further in spite of paper publication, nobody have come before the court to object the petition or to say about the petition.

10. Respondent in spite of service of notice has not been appeared before the court and respondent has been placed exparte. The evidence of PW.1 and Ex.P.1 to 5 documents remained unchallenged and in such circumstances, there is no reason to disbelieve the version of PW.1. Further the petitioner has duly taken the publication about the fact of filing of this petition. Therefore, there is nothing to disbelieve the case of the petitioner. Accordingly, Point No.1 is answered in the Affirmative.

11. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:

:ORDER:

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

The respondent is hereby directed to register the date of death of father of the petitioner by name **Kotrappa S/o Mahadevappa**, who was expired on **23.07.1996**, at **Devarabelakere Village, Harihar Taluk, Davangere District**, in their register by collecting late fee and penalty if any.

(Dictated to the Stenographer directly on computer, typed by her, revised and corrected by me, signed and then pronounced in the open Court on this the 20th day of July, 2026)

Sd/-
(Birappa Kamble)
Prl.Civil Judge & JMFC.,
Harihar.

ANNEXURE

List of witnesses examined on behalf the petitioner:

PW1 : Manjunatha Sirigere

List of documents marked on behalf the petitioner:

Ex.P.1 : Non-availability Certificate
Ex.P.2 : Copy of Aadhar card of PW.1
Ex.P.3 : Genealogical tree
Exs.P4 & P5 : Paper publications

List of witnesses examined on behalf the respondent :

Nil

List of documents marked on behalf the respondent :

Nil

Sd/-
(Birappa Kamble)
Prl. Civil Judge & JMFC.,
Harihar.

(Vide Separate Order)
Order pronounced in the open Court;

:ORDER:

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

The respondent is hereby directed to register the date of death of father

of the petitioner by name **Kotrappa S/o Mahadevappa**, who was expired on **23.07.1996**, at **Devarabelakere Village, Harihar Taluk, Davangere District**, in their register by collecting late fee and penalty if any.

Prl. Civil Judge & J.M.F.C.,
Harihar.