

KADG320017952026



**IN THE COURT OF II ADDL. CIVIL JUDGE AND JMFC
HARIHAR**

PRESENT: **SRI. BIRAPPA KAMBLE,**
B.A. LL.B.(Hon's)

Prl. Civil Judge & JMFC, Harihar.

C/c II Addl. Civil Judge & JMFC, Harihar.

CRIMINAL MISC. CASE NO. 410/2026

DATED THIS THE 5th DAY OF AUGUST, 2026

PETITIONER/S:

Shivakumar M S/o M Guddappa,
Aged about 32 years, Agriculturist,
R/o: Dhulehole Village,
Harihar Taluk, Davangere District.

(By Sri. M.K.D., Adv.)

-V/s-

RESPONDENT/S:

The Birth and Death Registration office,
Harihar.

(Exparte)

ORDER

The petitioners have filed the petition under Section 13 (2) of Registration of Births and Deaths Act, 1969 praying for issue of direction to the respondent to issue death certificate of **Ningappa S/o Late Durugamma**, who died on **10.04.1990**.

2. The facts in brief is as follows:

The father of the petitioner by name **Ningappa S/o Late Durugamma**, was died on **10.04.1990**. The date of death of said **Ningappa S/o Late Durugamma**, has not been informed to the concerned authorities in time. The respondent has not entered the date of death of **Ningappa S/o Late Durugamma**, in the concerned death register. The petitioner require the Death Certificate of **Ningappa S/o Late Durugamma**, 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 **Ningappa S/o Late Durugamma**, Hence, prayed to allow the petition.

3. The respondent remained absent in-spite of service of notice. Hence, placed exparte.

4. Petitioner got examined himself as PW.1 and got marked 6 documents as Ex.P.1 to 6 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 PW.1, **Ningappa S/o Late Durugamma**, died on **10.04.1990**. He has further deposed that, he has not intimated the death of **Ningappa S/o Late Durugamma**, to the respondent's authority in time. When petitioner has applied for the Death Certificate of **Ningappa S/o Late Durugamma**, the respondent has issued Non availability Certificate stating that, the date of death of **Ningappa S/o Late Durugamma**, has not been entered in concerned Register. The petitioner require the Death Certificate of **Ningappa S/o Late Durugamma**, 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 **Ningappa S/o Late Durugamma**, 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.P.4 and Ex.P.5. Further in spite of paper publication, nobody have come before the court to object the petition or to say about the petition. And Ex.P.6 is xerox copy of RTC, dated 23.04.2001.

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 6 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 **Ningappa S/o Late Durugamma, who was expired on 10.04.1990, at Dhulehole 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 **5th day of August 2026**)

Sd/-

(Birappa Kamble)

C/c II Addl. Civil Judge & JMFC.,
Harihar.

ANNEXURE

List of witnesses examined on behalf the petitioner:

PW1 : Shivakumar M

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
Ex.P.6 : Xerox copy of RTC.

**List of witnesses examined on behalf the
respondent :** Nil

**List of documents marked on behalf the
respondent :** Nil

Sd/-

(Birappa Kamble)

C/c II Addl. 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 **Ningappa S/o Late Durugamma, who was expired on 10.04.1990, at Dhulehole Village, Harihar Taluk, Davangere District**, in their register by collecting late fee and penalty if any.

Sd/-
C/c II Addl. Civil Judge & JMFC.,
Harihar.

