

KADG320005922026



**IN THE COURT OF THE HON'BLE PRL. CIVIL JUDGE &
J.M.F.C., HARIHAR.**

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

CRIMINAL MISC. CASE NO. 188/2026

DATED THIS THE 06th DAY OF JUNE, 2026

PETITIONER/S:

Mahalinga S/o Ningappa, aged about 26 years,
Driver, R/o Salaganahalli village, Harihar Taluk,
Davangere District.

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

-V/s-

RESPONDENT/S:

The Tahsildar – cum - Registrar of Birth & Death's,
Taluk Office, Harihar Taluk, Davangere District.
(Exparte)

:ORDERS:

This petition filed by the petitioner for seeking directions to the respondent to enter the date of death of grandfather of the petitioner by name **Hanumappa S/o Dodda Bharamappa, who was expired on 10.12.1992, at Salaganahalli Village, Harihar Taluk, Davangere District,** in the death register maintained by them.

2. Brief facts of the petition averments are that, the grandfather of the petitioner **Hanumappa S/o Dodda Bharamappa, who was expired on 10.12.1992, at Salaganahalli Village, Harihar Taluk, Davangere District.** Leaving behind the petitioner and he is only legal heir of deceased **Hanumappa S/o Dodda Bharamappa.** The petitioner is under the knowledge that, the death date has been informed to the concerned authority but now he came to know the same has been not informed to the respondent office. Hence, it is not recorded in the register due to lack of legal knowledge and illiteracy. This is not deliberate or intentional on the part of the family members of the petitioner. The petitioner is in need of death certificate of deceased for the purpose to get **mutation.** However, petitioner has given an application to the respondent to issue the death certificate, but they have issued non-availability certificate on **17.11.2025** and intimating that, the date of death of **Hanumappa S/o Dodda Bharamappa** has not been recorded. Hence, the petitioner is seeking direction to the respondent to enter the date of death of **Hanumappa S/o Dodda Bharamappa, who was expired on 10.12.1992, at Salaganahalli Village, Harihar Taluk, Davangere District,** in the death register maintained by them.

3. In order to call for any objection from the concerned person about the death event of **Hanumappa S/o Dodda Bharamappa, who was expired on 10.12.1992, at Salaganahalli Village, Harihar Taluk, Davangere District,** the public notice has been issued to public through paper vide publications in Kannada “HOSA DIGANTH and PRATHAMA HEJJE” daily newspapers. But, no one has been appeared to file any objection.

4. Notice on respondent duly served and absent before the court. Hence, placed exparte.

5. In order to prove their claim, the petitioner examined as PW-1 and produced documents and same are got marked as Ex.P.1 to 5 and closed their side evidence.

6. Heard the arguments.

7. 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?

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

:REASONS:

9. **Point No. 1:** Petitioner is seeking direction to respondent to register the death event of grandfather of petitioners. In order to prove their claim, the petitioner examined as PW-1 and reiterated the petition averments of petition. Apart from his oral evidence he has produced the non-availability certificate as Ex.P.-1 which is disclosing that, the death event of **Hanumappa S/o Dodda Bharamappa, who was expired on 10.12.1992, at Salaganahalli Village, Harihar Taluk, Davangere District**, is not entered in the register maintained by the respondent, Ex.P.-2 Notarized copy of Aadhar Card, Ex.P.-3 is the Genealogical Tree, it discloses that the petitioner is the legal heirs of deceased **Hanumappa S/o Dodda Bharamappa**, Ex.P.-4 and Ex.P.-5 Two Kannada Daily News Papers, the Kannada daily newspaper

publication, which is disclosing that, in order to call for any objection for the concerned person about the death event of **Hanumappa S/o Dodda Bharamappa, who was expired on 10.12.1992, at Salaganahalli Village, Harihar Taluk, Davangere District,** public notice has been issued to public through vide paper publication in Kannada daily newspapers.

10. On perusal of entire oral and documentary evidence placed by petitioner the Kannada daily newspapers publication, which is disclosing that, in order to call for any objection for the concerned person about the death event of **Hanumappa S/o Dodda Bharamappa, who was expired on 10.12.1992, at Salaganahalli Village, Harihar Taluk, Davangere District,** public notice has been issued to public through vide paper publication in Kannada daily news papers. But no one has appeared to file any objection on the death. The evidence placed by the petitioner remained unchallenged as the respondent has been placed exparte. Hence, this court has no hesitation to believe the evidence placed by the petitioner and on the basis of the evidence of the petitioner it clearly shows that, the grandfather of the petitioner was died on **10.12.1992.** Hence, **I answer Point No. 1 in the affirmative.**

11. **Point No. 2:** In view of the reasons stated above, I proceed 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 grandfather of the petitioner

by name **Hanumappa S/o Dodda Bharamappa,**
who was expired on 10.12.1992, at
Salaganahalli 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
06th day of June, 2026)

Sd/-
(BIRAPPA KAMBLE)
 PRL. Civil Judge & J.M.F.C.,
 Harihar.

ANNEXURE

1. Number of witnesses examined for petitioners:

P.W. 1 : H. Mahalinga

2. Number of witnesses examined for defence:

-NIL-

3. List of documents exhibited for the petitioners:

Ex.P. 1 : Non-availability certificate.
 Ex.P. 2 : Aadhaar card of petitioner
 Ex.P. 3 : Genealogical Tree
 Ex.P. 4 & 5 : Two Kannada Daily News papers

3. List of documents exhibited for the defence:

-NIL-

Sd/-
(BIRAPPA KAMBLE)
Prl. Civil Judge & J.M.F.C.,
Harihar.