

KADG520003042026



Presented on : 07-02-2026
Registered on : 07-02-2026
Decided on : 30-04-2026
Duration : 0 years, 2 months, 23 days

IN THE COURT OF THE PRL. CIVIL JUDGE, AND JUDICIAL
MAGISTRATE FIRST CLASS AT HONNALI.

PRESENT : Sri. Devadas H., B.A., L.L.B.
Prl. Civil Judge and JMFC., Honnali

Criminal Miscellaneous No.83/2026

Dated 30th April 2026

PETITIONER: Shruthi Hosura D/o Ananthappa Jainar
W/o Parshwanath Hosuru
Aged about 36 years
R/o: Desaigalli, Haveri town and taluk.
(Rep.By Smt. TRM Advocate.)

VS

RESPONDENT The Tahasildar,
The Registrar of Birth and Death,
Taluk office, Honnali taluk,
Davanagere district.
(Exparte)

:: O R D E R ::

The Petitioner has filed this petition U/s 13(3) of Registration of Birth and Deaths Act 1969 for issuance of directions to the respondent to make an entry of date of death of deceased Smt. Shreelatha D/o Vejendraiah.

2. In the petition, the Petitioner has averred that, Smt. Shreelatha D/o Vejendraiah is mother of petitioner, who died on 12.07.2008 at Chikkagonigere village, Honnali taluk, Davanagere district. Further, the petitioner sought death certificate of deceased from respondent but, he has given non-availability certificate on 28.01.2026. Further, it is averred that, the failure for non intimating the death of deceased to the respondent is a bonafide one and not an intentional. Now the death certificate of deceased is required her to get change of khata from the concerned authority. As such, she prayed to allow this petition by issuance of directions to the respondent to make necessary entries and issuance of death certificate of deceased Smt. Shreelatha D/o Vejendraiah dated 12.07.2008.

3. The respondent has not turned up, despite of receipt of notice to him. Hence, placed exparte.

4. In order to substantiate the case, petitioner herself got examined as PW.1 and got marked documents as per Ex.P.1 to 5 and closed her side.

5. Based on the materials on record, the following points are arise for my consideration:

1. Whether the petitioner is entitled for the relief as sought for?
2. What order?

6. Heard the arguments on behalf of petitioner.

7. Perused the materials on record, my findings to the above points are as follows:

Point No.1 : In the Affirmative.

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

: REASONS :

8. Point No.1 : The petitioner has asserted that, Smt. Shreelatha D/o Vejendraiah was died on 12.07.2008. However, her death was not intimated to the concerned authority. As such, she prays to issue direction to the

respondent for making necessary entries and issuance of death certificate of deceased.

9. In order to prove the case, the petitioner stepped into the witness box got examined herself as PW.1 by filing an affidavit evidence. The affidavit evidence of PW.1 is nothing but a replica of petition averments. In support of the oral testimony the PW.1 has relied upon Ex.P.1 to 5. Ex.P.1 is the non-availability certificate issued by Tahsildar, Honnali, Ex.P.2 is report issued by village accountant, Ex.P.3 is notarized copy of Genealogical Tree, Ex.P.4 is Notarized copy of Aadhar card of petitioner, Ex.P.5 is paper publication.

10. In spite of paper publication, nobody has filed objections to this petition. The oral testimony of PW.1 and documentary evidence adduced by her is remained unchallenged. So, there is no contrary evidence on record. In absence of that, the testimony of PW.1 needs to be accepted and moreover, the Hon'ble High Court of Karnataka has ruled in a decision reported in 2004 KCCR 2674, the lordship has held that, the contents of the affidavit i.e., on oath should be considered as a higher probative value, in absence of contrary to the averments. There is no objection from

anybody, inspite of paper publication. Hence, I do not found any grounds to decline the relief and moreover, it will not cause prejudice to the respondent. Therefore, it is just and necessary to meet the ends of justice to allow this petition. Hence, I answered the point no.1 in the affirmative.

11. Point No.2: For the reasons discussed above, this court proceed to pass the following:

//ORDER//

The petition filed U/Sec. 13(3) of Registration of Birth and Death Act, 1969 is hereby allowed.

The respondent is directed to make an entry of date of death of Smt. Shreelatha D/o Vejendraiah i.e., 12.07.2008 in the death register and issue death certificate to the petitioner by collecting necessary fee from her.

No order as to cost.

(Directly dictated to the Stenographer on computer and typed by her, corrected by me and then pronounced in the Open Court on 30th day of April 2026.)

(Devadas H.)
Prl. Civil Judge & JMFC.,
Honnali.

ANNEXURE

1. List of witnesses examined for Petitioners:

PW.1 : Shruthi Hosura.

2. List of documents exhibited for Petitioner:

Ex.P.1 : Non-availability certificate issued by the
Tahsildar, Honnali.

Ex.P.2 : Report issued by the village accountant.

Ex.P.3 : Notarized copy of genealogical tree.

Ex.P.4 : Notarized copy of Aadhar card petitioner.

Ex.P.5 : Paper publication.

(Devadas H.)
Prl. Civil Judge & JMFC.,
Honnali.