

KADG520003072026



Presented on : 07-02-2026
Registered on : 07-02-2026
Decided on : 25-07-2026
Duration : 0 years, 5 months, 18 days

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

PRESENT : Sri. Manjunath Banakar., B.A., LL.B (Spl)
Prl. Civil Judge and JMFC., Honnali

Criminal Miscellaneous No. 85/2026

Dated 25th July 2026

PETITIONER: N.Malleshappa
S/o Nandi Mallappara Veerappa @ Veerappa
Aged about 68 years
R/o: Beeragondanahalli village
Honnali taluk.

(Rep.By Sri.GSR., Advocate.)

VS

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

2. Smt. Sarojamma
W/o N. Sannabasappa,
Aged about 58 years,
R/o: Swamy Vivekananda Badavane,
7th Main, 8th Cross,
Davanagere Town and taluk.

3. Haleshappa S/o N. Dodabasappa,
Aged about 30 years.

4. K. G. Siddanagowda
S/o Kuberappa,
Aged about 45 years

Both are R/o: Biligondanahalli Village,
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 No.1 to make an entry of date of death of deceased N.Jayamma W/o Basavarajappa.

2. In the petition, the Petitioner has averred that, N.Jayamma W/o Basavarajappa is sister of petitioner, who died on 15.10.2016 at Beeragondanahalli village, Honnali taluk, Davanagere district. Further, the petitioner sought death certificate of deceased from respondent but, he has given non-availability certificate on 03.02.2026. 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 him to get change of khata from the concerned authority. As such, he prayed to allow this petition by issuance of directions to the respondent to make necessary entries and issuance of death certificate of deceased N.Jayamma W/o Basavarajappa dated 15.10.2016.

3. The respondents have not turned up, despite of receipt of notice to them. Hence, placed exparte.

4. In order to substantiate the case, petitioner himself got examined as PW.1 and got marked documents as per Ex.P.1 to 5 and closed his 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, N.Jayamma W/o Basavarajappa was died on 15.10.2016. However, his death was not intimated to the concerned authority. As such, he 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 himself 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 Tahsildhar 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 Adahar 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 him is remained unchallenged. So, there is no contrary evidence on record. In the 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 the absence of contrary to the averments. There is no objection from anybody, in spite of paper publication. Further, the petitioners have sought to enter the date of death deceased N.Jayamma W/o Basavarajappa dated 15.10.2016 which is prior to the registration of Birth and Death Act. However, there is no bar to consider the petition. Even , the date of

death has taken place much earlier to the registration of Birth and Death Act, as held by Hon'ble High court of Karnataka in a decision reported in AIR 2004 KAR 221, ILR 2003 KAR 4787 in between Smt. Devamma Vs Registrar of Birth Death, considering the above dictum, there is no bar to consider this petition. 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 this point 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 N.Jayamma W/o Basavarajappa i.e., 15.10.2016 in the death register and

issue death certificate to the petitioner
by collecting necessary fee from him.

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 25th day of July 2026.)

(Manjunath Banakar.)
Prl. Civil Judge & JMFC.,
Honnali.

ANNEXURE

1. List of witnesses examined for Petitioner:

PW.1 : N.Mallesappa

2. List of documents exhibited for Petitioner:

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

Ex.P.2 : Report issued by the Village Accountant

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

Ex.P.4 : Notarized copies of Aadhar cards of petitioner

Ex.P.5 : Paper publication.

(Manjunath Banakar.)
Prl. Civil Judge & JMFC.,
Honnali.

(Order pronounced in the open court vide separate order)

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