

KADG520026072025



Presented on : 29-09-2025
Registered on : 29-09-2025
Decided on : 13-03-2026
Duration : 0 years, 5 months, 14 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.422/2025

Dated 13th March 2026

PETITIONERS: 1.Shivamurthy.A.K S/o Puttappa.A.K
Aged about 49 years,
R/o. Near Marikamba Temple,
Vidaya Nagar, Shivamogga town and taluk.

2.Manjappa.A.K S/o Puttappa.A.K
Aged about 58 years,
R/o. Benakanahalli Village, Honnali Taluk,
Davanagere District.

(Rep.By Sri.MG Advocate.)

VS

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

:: O R D E R ::

The Petitioners have 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 Durugamma A.K W/o Puttappa A.K.

2. In the petition, the Petitioners have averred that, Durugamma A.K W/o Puttappa A.K is mother of petitioners, who died on 11.04.2010 at Benakanahalli Village, Honnali Taluk, Davanagere District. Further, the petitioners sought death certificate of deceased from respondent but, he has given non-availability certificate on 20.09.2025. 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 them to get change of khata from the concerned authority.

As such, they prayed to allow this petition by issuance of directions to the respondent to make necessary entries and issuance of death certificate of deceased Durugamma A.K W/ o Puttappa A.K, dated 11.04.2010.

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 No.1 himself got examined as PW.1 and got marked documents as per Ex.P.1 to 6 and closed his side.

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

1. Whether the petitioners are entitled for the relief as sought for?

2. What order?

6. Heard the arguments on behalf of petitioners.

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 petitioners have asserted that, Durugamma A.K W/o Puttappa A.K was died on 11.04.2010. However, her death was not intimated to the concerned authority. As such, they 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 No.1 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 6. 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 & 5 are the Notarized copies of Aadhar card of petitioners, Ex.P.6 is paper publication.

10. Inspite 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 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

Durugamma A.K W/o Puttappa A.K i.e.
11.04.2010 in the death register and
issue death certificate to the petitioners
by collecting necessary fee from them.

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 13th day of March 2026.)

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

ANNEXURE

1. List of witnesses examined for Petitioners:

PW.1 : Shivamurthy

2. List of documents exhibited for Petitioners:

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 & 5 : Notarized copies of Aadhar card of
petitioners

Ex.P.6 : Paper publication.

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

(Order pronounced in the open court vide separate order)

//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 Durugamma A.K W/o Puttappa A.K i.e. 11.04.2010 in the death register and issue death certificate to the petitioners by collecting necessary fee from them.

No order as to cost.

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

