

KACN030002342026



Presented on : 04-02-2026
Registered on : 04-02-2026
Decided on : 02-07-2026
Duration : 4 months 28 days

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
AT CHAMARAJANAGARA

Dated this the 02nd day of July 2026

: **PRESENT:**

SMT. **SMITA NAGALAPUR.**, B.A. LL.B.
PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA

C.MIS No.92/2026

- PETITIONER/s**
- 1. Nagamma,**
W/o Chennappa,
Aged about 64 years,
Malavalli, Nittre
Gundlupete Taluk,
Chamarajanagar.
 - 2. Mahendra.M.K,**
S/o Koosappa,
Aged about 42 years,
 - 3. Honnappa.M.K,**
S/o Koosappa,
Aged about 40 years,
 - 4. Basammani,**
W/o Chinnaswamappa,
Aged about 62 years,
2 to 4 are R/at,
Maliyuru Village,
Harave Hobli,
Chamarajanagar.

5. Suvarnamma,

W/o Mahadevappa,
Aged about 52 years,
R/at, Bettadapura Village,
Harave Hobli,
Gundlupete Taluk,
Chamarajanagara.

(By Sri S.N., Advocate)

V/s

RESPONDENT/s : **The Tahasildar,**
Chamarajanagar Taluk,
Chamarajanagar.

(Ex-Parte)

ORDER

The Petitioners have filed this Petition U/Sec.13(3) of Birth and Death Registration Act-1969.

2. The Petitioners have filed the Petition seeking an order for delayed registration of date of death of Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 by name **Late Channabasavaiah @ Sannaiah S/o Late Lingaiah**. The petitioners have stated in the petition that the deceased person was residing at Maliyuru Village, Harave Hobli, Chamarajanagar Taluk.

3. The Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 by name **Late Channabasavaiah @ Sannaiah S/o Late Lingaiah** died in the Maliyuru Village, Harave Hobli, Chamarajanagar Taluk and District on **11.03.1994**. After

death of the said Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3, the family of petitioners due to oversight and inadvertence not informed the date of death of deceased person to Respondent. The cause of delay is not intentional. Now the death certificate of the said Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 is required for katha transfer purpose. The Petitioners stated that except Petitioners there is no any other legal heirs to the deceased **Late Channabasavaiah @ Sannaiah S/o Late Lingaiah.**

4. The Petitioners applied for death certificate of Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 in the Office of Tahasildar Chamarajanagar. The Tahasildar, Chamarajanagar Taluk has given non availability certificate on 11.12.2025 and stating that there are no entries pertaining to the death of Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 in the Birth and Death register.

5. Thus, Petition has moved before this Court seeking an order for delayed registration of Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 death in the Birth and Death register maintained in the Office of Respondent.

6. After service of notice the Respondent remained absent before the Court. The Respondent is Tahasildar.

7. Heard Counsel for the Petitioners.

8. The following points arise for my consideration.

(1) Whether the date of death of Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 shall be registered in the register maintained by Respondent?

(2) What order?

9. My answer to the above aforesaid points are as follows:

Point No.1: In the **AFFIRMATIVE**

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

::REASONS::

10. Point No.1:- The Petitioner No.4 has examined herself as P.W.1 and got marked non-availability certificate as Ex.P.1, Notarized copy of Genealogical Tree as Ex.P2, Attested copies of adhaar card of Petitioners as Ex.P3 to 7, Notarized copies of Death Certificate as Ex.P5 to 7, News paper publications dated:27.05.2026 and 26.05.2026 as Ex.P.8 and Ex.P.9 respectively, RTC as Ex.P10.

11. On perusal of the Petition it appears that the Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 died on 11.03.1994 at Maliyuru Village, Harave Hobli, Chamarajanagar Taluk. The Ex.P.1 discloses that, the death certificate of said Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 is not available since his death has not been informed and registered in the office of Respondent.

12. As per the guidelines of the **Hon'ble High Court of Karnataka in WP No.50331 to 50334/2012 (GM-RES)** Smt.Muniamma and others Vs. Devegowda, the petitioners have published the advertisement of the filing of this petition for the purpose of availing delayed registration. The petitioners also stated that except Petitioners there are no any other legal heirs to the deceased.

13. Due to the grievance and lack of knowledge the family of the petitioners could not register the date of death in the office of Respondent after the death of the Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3. The Petitioners have produced RTC pertaining to land bearing Sy.No.246/2A measuring 1 acre 10 guntas situated at Maleyuru Village, Harave Hobli standing in the name of deceased Channabasavaiah S/o Lingaiah, who is the uncle of petitioner No.1. The petitioners required death certificate of deceased Channabasavaiah for the purpose of mutation of katha in their name and the Petitioner contending that, they are the legal heirs of deceased Channabasavaiah. The reasons stated in the petition as well as in the examination-in-chief of the Petitioner No.4 satisfy this Court about the genuineness of the case of the petitioners. Moreover, this Order may not be considered as conclusive proof either in Civil or

Criminal proceedings. Therefore, I am allowing this application by ordering to register the name of the Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 in the register mentioned by the Respondent by condoning the delay. Hence I answer Point No.1 in the **AFFIRMATIVE**.

16. Point No.2:- For the aforesaid reasons and discussions made above, I proceed to pass the following:-

ORDER

The Petition filed by the Petitioners hereby allowed.

The Respondent is hereby directed to register date of the death of Paternal Uncle of petitioner No.1, 4 and 5, Grand father of petitioner No.2 and 3 by name **Late Channabasavaiah @ Sannaiah S/o Late Lingaiah** as **11.03.1994** in **Maliyuru Village, Harave Hobli, Chamarajanagar Taluk** in the Birth and Death register maintained by him.

(Dictated to the Stenographer, typed by her on computer, corrected by me and then pronounced in the open Court on this **02nd July 2026**)

(SMITA NAGALAPUR)
PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.

ANNEXURE

List of witnesses examined on behalf of petitioner:-

PW-1 : Basammani

List of witnesses examined on behalf of respondent:-

- NIL -

List of documents marked on behalf of petitioner:-

Ex.P1	:	Non-availability Certificate,
Ex.P2	:	Certified copy of Genealogical tree
Ex.P3 to 7	:	Notarized copies of Adhara card,
Ex.P8 & 9	:	Paper Publications
Ex.P10	:	RTC

List of documents marked on behalf of respondent:-

- NIL -

(Smita Nagalapur)
PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.

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