

JUDGE & J.M.F.C., DHARWAD.

PRESENT: **SRI.RANGASWAMY J,**
 B.A.L., LL.M.,
 IV Addl. Senior Civil Judge,
 & J.M.F.C., Dharwad.

Crl.Misc No.447/2025

Dated : 19th day of June 2026

<u>Petitioner/s:</u>	1. Basangouda S/o Ninganagouda Patil Age: 48 years, Occ: Agriculture, R/o: Nigadi village, Tq & Dist:Dharwad.
	2. Kallanagouda S/o Ninganagouda Patil Age: 43 years, Occ: Agriculture, R/o: Nigadi village, Tq & Dist:Dharwad.

(R/by Sri.G.S.S, Adv)

V/s.

Respondent : The Tahasildar
Register of Birth and Death Office,
R/o: Tahasildar Office,
Tq & Dist:Dharwad.

(Exparte)

ORDER

The instant petition has been filed by the petitioners
under Sec.13(3) of Birth and Death Registration Act 1969
seeking direction to respondent to enter the date of death
and place of death of **mother** of the petitioners by name **Smt.**
Parvati W/o Ninganagouda Patil allegedly died on **05.05.2016**

at **Nigadi village, Tq & Dist: Dharwad** in the concerned Register.

2. The substance of the Petition averments is as under:

The **mother** of petitioners by name **Smt.Parvati W/o Ninganagouda Patil** allegedly died on **05.05.2016** at **Nigadi village, Tq & Dist: Dharwad**. Due to inadvertence, the family members of the deceased did not register the date of death of said **Smt.Parvati W/o Ninganagouda Patil** in the concerned register. When the petitioner No.1 approached the respondent to obtain Death Certificate of his mother by name **Smt.Parvati W/o Ninganagouda Patil**, then the respondent issued **Non-availability certificate** on **05.12.2025** stating that date of death of **Smt.Parvati W/o Ninganagouda Patil** was not entered in the Register concerned. Therefore, petitioners have approached this Court and filed this petition for the relief mentioned above.

3. Notice was issued to the public through Paper publication in "**Kannada Prabha**" **Kannada daily Newspaper** dated **11.02.2026** and in "**The Times of India**" **English daily**

Newspaper dated 11.02.2026. But, no person appeared before the Court objecting the present petition.

4. Despite due service of notice, respondent remained absent.

5. To substantiate the petition averments, petitioner No.3 got examined himself as P.W.1 and got marked **6 documents** as per **Ex.P1 to Ex.P6** and closed his side evidence. Since, respondent was absent, there is no respondent side evidence.

6. Heard the arguments of Learned Counsel for the petitioner. Perused petition averments and documents produced and materials available on record.

7. Now, the points that arises for the determination of this Court are as follows:

Point No.1: **Whether the petitioners have made out sufficient grounds to allow the petition ?**

Point No.2: **What order ?**

8. My answer to the above points are as follows:

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

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

REASONS

9. **Point No.1 :** The instant petition has been filed by the petitioners **under Sec.13(3) of Birth and Death Act 1969** seeking direction to respondent to enter the date of death and place of death of the **mother** of the petitioner by name **Smt.Parvati W/o Ninganagouda Patil** allegedly died on **05.05.2016** at **Nigadi village, Tq & Dist: Dharwad** in the concerned Register.

10. In order to substantiate the case of the petitioners, petitioner No.1 got himself examined as P.W.1 and got marked **6 document** as per **Ex.P1 to P6**. In order to substantiate the same, petitioner No.1 has produced **Ex.P1** is the **Non-availability certificate** dated **05.12.2025**. **Ex.P2** is the **family genealogy** of the petitioners. **Ex.P3 and P4** are the **attested copies of Adhar card** of the petitioners. **Ex.P5 and P6** are the **“Kannada Prabha” Kannada daily Newspaper dated 11.02.2026** and **“The Time of India” English daily Newspaper dated 11.02.2026**.

11. P.W.1 has reiterated petition averments in his affidavit filed in lieu of his examination in chief. Upon going through **Ex.P1**, it shows that the respondent has issued **Non-availability certificate dated 05.12.2025** stating that date of death of **Smt.Parvati W/o Ninganagouda Patil** was not entered in the Register maintained by them. **Ex.P5 and P6** are the **“Kannada Prabha” Kannada daily Newspaper** and **“The Times of India” English daily Newspaper** shows that the petitioners have issued Notice to the public through paper Publication. Further, it is the contention of the PW.1 that, when he approached the respondent to obtain Death Certificate of his mother namely **Smt.Parvati W/o Ninganagouda Patil** then, the Respondent has issued Non-availability certificate. In spite of service of notice to the respondent, they had not appeared before the Court to challenge the petition averments. Further, no one had appeared before the Court though notice was issued through paper publication objecting the petition. Therefore, oral evidence of P.W.1 and the documents **Ex.P1 to Ex.P6** are remained unchallenged. Therefore, I have no reason to deny the relief sought in this petition. Accordingly, I answer **Point No.1 “in the Affirmative”**.

12. **Point No.2:** For the reasons stated while discussing Point No.1, I proceed to pass the following:-

ORDER

*The Petition filed by the petitioners under **Sec.13(3) of Birth and Death Registration Act 1969** is hereby **allowed**.*

*Respondent is hereby directed to enter the **date of death** of **Smt.Parvati W/o Ninganagouda Patil** who died on **05.05.2016** at **Nigadi village, Tq & Dist: Dharwad**, in the Register concerned maintained in the office of respondent, on collecting the necessary fees.*

*Further the respondent is directed to put a note on the **death certificate** about the entry of the date of death of the **mother** of the petitioner is as per the orders of the Court in Criminal Miscellaneous **No.447/2025**.*

(Dictated to the stenographer directly on the computer, corrected and then pronounced by me in the open Court on this day **19th day of June 2026**).

(Rangaswamy J)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

A n n e x u r e

I. Witnesses examined on behalf of the Petitioner :

P.W.1 : Basangouda N.Patil.

II. Documents marked as Exhibits for the Petitioner :

Ex.P1: Non-availability certificate.

Ex.P2: Family genealogy.

Ex.P3 & Attested copies of Adhar cards of petitioners.

P4:

Ex.P5 & 6: Kannada and English daily news papers.

III. Witness examined on behalf of the Respondent :

NIL.

IV. Documents marked as Exhibits for the Respondent :

NIL.

(Rangaswamy J)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For order
19-06-2026

(Order pronounced in the open Court vide separate order)

ORDER

*The Petition filed by the petitioners under **Sec.13(3) of Birth and Death Registration Act 1969** is hereby **allowed**.*

*Respondent is hereby directed to enter the **date of death** of **Smt.Parvati W/o Ninganagouda Patil** who died on **05.05.2016** at **Nigadi village, Tq & Dist: Dharwad**, in the Register concerned maintained in the office of respondent, on collecting the necessary fees.*

*Further the respondent is directed to put a note on the **death certificate** about the entry of the date of death of the **mother** of the petitioner is as per the orders of the Court in Criminal Miscellaneous **No.447/2025**.*

(Rangaswamy J)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.