



**IN THE COURT OF ADDITIONAL CIVIL JUDGE & J.M.F.C.,
RON**

Present: SRI. VIJAYKUMAR.N

B.A., LL.B,

Addl. Civil Judge & J.M.F.C., Ron

Crl. Misc. No.305/2026

Dated this the 16th day of June 2026

PETITIONERS:

1. HANAMAPPA,

S/o Balappa Chalavadi @ Koujageri,

Age : 63 years, Occ : Agriculture,

R/o Koujageri, Tq: Ron, Dist: Gadag.

2. ADIVEPPA,

S/o Balappa Chalavadi @ Holer @ Koujageri,

Age : 58 years, Occ : Agriculture,

R/o Koujageri, Tq: Ron, Dist: Gadag.

(Represented By Sri.N.V.Kanchagar, Advocate)

-V/s-

RESPONDENT:

The Registrar of Births and Deaths,

Represented by Tahasildar Ron,

Tq: Ron, Dist: Gadag.

(Placed Exparte)

**ORDERS**

This petition is filed by the petitioners U/Sec.13(3) of The Registration of Births and Deaths Act, 1969.

BRIEF FACTS :

2. The great grand-father of petitioners by name Adivappa S/o Balappa Holer @ Chalavadi died on 01.06.1980 at Koujageri village, Ron Taluk, Gadag District. Due to ignorance/oversight, the petitioners had not intimated the date of death of said Adivappa to the concerned authority. Now, the petitioners are in requirement of the death certificate of said Adivappa from the competent authority, as such they had filed an application before the respondent and the respondent office has issued non-availability certificate on 09.03.2026 as the date of death of Adivappa S/o Balappa Holer @ Chalavadi was not entered. Hence, the petitioners have filed this petition to enter the date of death of great grand-father of petitioners in the respondent's office.



3. In spite of service of notice, the respondent did not appear before this Court. Hence, respondent is placed ex-parte.

4. Heard arguments of the learned counsel for the petitioners and perused the materials available on record.

5. The following points arises for the consideration of this Court:

POINTS

1. Whether the petitioners have made out sufficient grounds to allow this petition?
 2. What order?
6. This Court answers the above points as hereunder :

POINT No.1: In the Affirmative

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

R E A S O N S

7. **POINT No.1:** That Adivappa S/o Balappa Holer @ Chalavadi who was said to be the resident of Koujageri village,



Tq: Ron, Dist: Gadag is the great grand-father of petitioners and that he died on 01.06.1980 at Koujageri village. But, the said fact is not registered in the respondent's office due to the ignorance of the petitioners. During the enquiry, the petitioner No.2 has got examined himself as P.W.1 and has got marked 6 documents as Ex.P1 to Ex.P.6. Among them, Ex.P1 is the non-availability certificate, issued by the Chief Registrar of Birth and Deaths Ron, Ron Taluk on 09.03.2026, which discloses that date of death of great grand-father of petitioners by name Adivappa S/o Balappa Holer @ Chalavadi has not entered in the register maintained by the respondent. Ex.P2 is the attested copy of genealogy, which shows that, the petitioners are the grand-children of Adivappa S/o Balappa Holer @ Chalavadi. Ex.P3 and P4 are the attested copy of Aadhar Cards of petitioners and Ex.P5 and Ex.P6 are the two paper publication in Kannada Daily News papers dated 22.04.2026. Further, in spite of the service of notice to the respondent, he did not appear before the Court and placed exparte. The evidence of the



P.W.1 is not challenged by the respondent. The oral evidence of the P.W.1 is corroborated by the documentary evidence. The date of the death is corroborated by the date in the Non-Availability certificate.

8. The object of the Registration of Births and Deaths Act, 1969 is to give legal status to the registration of births and deaths by judicial machinery. A legal duty is cast upon the persons specified in Section-8 to give information to the Registrar of Births and Deaths. Section-13 lays down the procedure for delayed registration of births and deaths. In case of non-registration within one year of the occurrence of birth or death, the registration could take place under Section 13(3) only on an order made by the Magistrate after verifying the correctness of the birth or death. Rule 9(3) of the Karnataka Registration of Births and Deaths Rules, 1999 states that any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order of a Magistrate of the First Class or a Presidency Magistrate under



Section 13(3) and on payment of a late fee of rupees ten. On the basis of the enquiry which is conducted before the Court, the petitioner No.2 has sworn on oath and has stated that the death of his great grand-father has not been registered and that he died in Koujageri village, Taluk Ron, within the jurisdiction of this Court. The said evidence has remained uncontroverted. Hence, there is no reason to disbelieve the evidence of the petitioner and therefore I am of the considered opinion that, the petitioners have made out grounds to allow this petition and accordingly, ***this Court answers point No.1 in the Affirmative.***

9. POINT No.2: In the result, this Court proceeds to pass the following:

O R D E R

***The petition filed by the petitioners
U/Sec.13(3) of The Registration of Births
and Deaths Act, 1969, is hereby allowed.***



The respondent is hereby directed to enter the date of death of Smt.Adivappa S/o Balappa Holer @ Chalavadi (ಅಡಿವೆಪ್ಪ ತಂದೆ ಬಾಲಪ್ಪ ಹೊಲೇರ ಉರ್ಫ್ ಚಲವಾದಿ), at Koujageri village, Ron Taluk, Gadag District as 01.06.1980, in the Register after collecting late fee and issue death certificate, accordingly.

It is needless to state that the said entry does not tantamount to conclusive evidence of the disputed date of death.

(Dictated to the Stenographer, directly on the computer, typed by him, corrected by me and then pronounced in the Open Court on this the 16th day of June, 2026)

(VIJAYKUMAR.N)
Addl. Civil Judge & JMFC., Ron.

ANNEXURE

List of witnesses examined on behalf of petitioners:

P.W.1 - Adivappa B. Chalavadi @ Holer @ Koujageri

List of documents exhibited on behalf of petitioners:

Ex.P1 : Non Availability Certificate
Ex.P2 : Attested copy of Genealogy
Ex.P3 & 4 : Attested copy of Aadhar Cards
Ex.P5 & 6 : 2 News papers publications



List of witnesses examined on behalf of respondent:

NIL

List of documents exhibited on behalf of respondent:

NIL

(VIJAYKUMAR.N)
Addl. Civil Judge & JMFC., Ron.