

KAHS310004612026



**IN THE COURT OF THE PRL. CIVIL JUDGE AND
JMFC, ARAKALGUD.**

**PRESENT: CHAMPASHREE R., B.A.L., LL.B., LL.M.,
Prl.Civil Judge & JMFC., Arakalgud.**

DATED THIS 29th DAY OF APRIL, 2026

CRL.MISC. No:127/2026

BETWEEN:

1. Avvayamma W/o Late Puttegowda
Aged about 70 years,
2. Prema W/o Doddegowda
Aged about 47 years,
3. Veenoda W/o Ramachandra
Aged about 42 years,
R/at Kyatanahalli village,
Hallimysore Hobli,
Holenarsipura Taluk,
Hassan District.
4. Ravi S/o Doddegowda
Aged about 28 years,
5. Rakshita D/o Doddegowda
Aged about 26 years,
P-1,2 , 4 & 5 are R/at
Shanavinakoppe village,
Doddamagge Hobli,
Arakalgud Taluk,
Hassan District.

...Petitioners.

(By Sri. PRS., Advocate)

AND:

The Thahsildar,
Arakalagud Taluk Office,
Arakalagud
Arakalagud Taluk,
Hassan District.

...Respondent

(Placed absent)

ORDER

Petitioners have filed this petition under Section 13 (3) of The Registration of Births and Deaths Act, 1969 seeking to condone the delay in reporting the death of mother in law's of the petitioner No.1 and grand mother of petitioner No.2 & 3 and Great-grand mother of petitioner No. 4 & 5 by name Mrs.Akkayamma W/o Moganna in the death register as 13.05.1982 at Shanavinakuppe village, Doddamagge Hobli, Arakalgud Taluk and prayed to direct Respondent to register the same in the Death Register and issue death extract.

FACTS IN BRIEF:

2. It is stated that, Mrs.Akkayamma W/o Moganna is the mother in law's of the petitioner No.1 and grand mother of petitioner No. 2 & 3 and Great-grand mother of petitioner No. 4 & 5 expired on 13.05.1982 at Shanavinakuppe village, Doddamagge Hobli, Arakalgud Taluk. It is stated that, Petitioners were under the impression that intimating orally to concerned authority with respect to the death is sufficient.

3. It is stated that, Petitioners are in necessary of death certificate of Mrs.Akkayamma W/o Moganna for transferring the khata and house property, other Government facilities therefore Petitioners applied for the same, but the reply from Respondent contending that

event relating to the death of Mrs.Akkayamma W/o Moganna is not registered in the register of Respondent. It is stated that, the death certificate of mother in law's of the petitioner No.1 and grand mother of petitioner No. 2 & 3 and Great-grand mother of petitioner No. 4 & 5 Mrs.Akkayamma W/o Moganna is required for deletion of his name from transferring the khata and house property, other Government facilities. Hence, present petition.

4. Notice to Respondent was duly served, but Respondent failed to not appeared before the Court. Hence, Respondent was placed absent.

5. In order to prove his case, Petitioner No.4 got examined himself as PW.1. PW.1 in his evidence has reiterated and reaffirmed as stated in the petition and got marked documents as Ex.P1 to Ex.P5. Ex.P1 is the Non availability certificate, Ex.P2 is Genealogy tree affidavit. Ex.P.3 is the the Notarized copy of Aadhar card of petitioner. Ex.P.4 is the Janahitha Newspaper, Ex.P4(a) is Paper publication .

6. Heard arguments and perused the record. On perusal of the records, following points arose for the consideration:

1. Whether Petitioners prove that petition deserved to allowed?

2. What order?

7.Findings of this Court fro the above framed points are as follows:

Point No.1 : **In the Affirmative**
Point No.2 : **As per the final order**
For the following:

REASONS

8. Point No.1: It is the case of Petitioners that Mrs.Akkayamma W/o Moganna is the mother in law's of the petitioner No.1 and grand mother of petitioner No. 2 & 3 and Great-grand mother of petitioner

No. 4 & 5 expired on 13.05.1982 at Shanavinakuppe village, Doddamagge Hobli, Arakalgud Taluk . It is stated that, Petitioners were under the impression that intimating orally to concerned authority with respect to the death is sufficient.

9. It is stated that, Petitioners are in necessary of death certificate of Mrs.Akkayamma W/o Moganna for transferring the khatha property, other Government facilities therefore Petitioners applied for the same, but the reply from Respondent contending that event relating to the death of Mrs.Akkayamma W/o Moganna is not registered in the register of Respondent. It is stated that, the death certificate of mother in law's of the petitioner No.1 and grand mother of petitioner No. 2 & 3 and Great-grand mother of petitioner No. 4 & 5 Mrs.Akkayamma W/o Moganna is required for deletion of his name from transferring the khata property, other Government facilities.

10. In order to prove his case, Petitioner No.4 got examined himself as PW.1. PW.1 in his evidence has reiterated and reaffirmed as stated in the petition and got marked documents as Ex.P1 to Ex.P4. Ex.P1 is the Non availability certificate, Ex.P2 is Genealogy tree affidavit. Ex.P.3 is the the Notarized copy of Aadhar card of petitioner. Ex.P.4 is the Janahitha Newspaper, Ex.P4(a) is Paper publication .

11. PW.1 entered into witness box and orally adduces that his great grand mother expired on 13.05.1982 , but his great grand mother death was not registered with concerned authority. To prove that relationship of Petitioners with Mrs.Akkayamma W/o Moganna , Petitioners mainly relied on Ex.P2. Ex.P2 is the Genealogy executed by Petitioners wherein the details of the family members is mentioned. PW.1 adduces that Petitioner No.4 is the great grand son of

Mrs.Akkayamma W/o Moganna and to prove the same he produced Ex.P2, on going through Ex.P2 it is noticed that he is mentioned as great grand son of Mrs.Akkayamma W/o Moganna . PW.1 adduces that Petitioner No.4 is the great grand son of Mrs.Akkayamma W/o Moganna and to prove the same he produced Ex.P2, Further, PW.1 to prove other Petitioner's relationship with Mrs.Akkayamma W/o Moganna , they mainly relied on Ex.P2.

12. On going through Ex.P1 it is clear that PW.1's great grand mother death certificate is not available as same was not registered. On going through Ex.P4, Ex.P4(a), it is clear that though objections were called from any interesting person to object the same, none appeared hence, it is presumed that there is no any person in objecting for obtaining death certificate of Mrs.Akkayamma W/o Moganna, PW.1 to prove that Mrs.Akkayamma W/o Moganna was in existence has mainly produced Ex.P.2 and adduced oral evidence. Ex.P2 is the genealogy affidavit, therefore, it is presume that Mrs.Akkayamma W/o Moganna was in-existence. Therefore, mainly relying on the oral evidence of PW.1 it is presume that Mrs.Akkayamma W/o Moganna was in existence and he was expired on 13.05.1982 Respondent placed absent, therefore evidence of Petitioner No.4 remains unchallenged. Therefore, for the discussion made above **this Court answer Point No.1 in Affirmative.**

13. Point No.2: In view of the above findings, this Court proceed to pass the following:

: O R D E R :

Petition filed by Petitioners under Section 13(3) of Registration of Births and Deaths Act, 1969, is hereby Allowed.

Respondent is hereby directed to register the date of death of mother in law's of the petitioner No.1 and grand mother of petitioner No. 2 & 3 and Great-grand mother of petitioner No. 4 & 5 by name Mrs.Akkayamma W/o Moganna in the death register as she expired on 13.05.1982 at Shanavinakuppe village, Doddamagge Hobli, Arakalgud Taluk and issue death extract by collecting necessary fee.

This order shall not be made use for any other purpose than to effect the entry in the relevant register.

Office to intimate accordingly.

(Dictated directly to the stenographer on Computer, the same is revised, edited and corrected by me and then pronounced in the Open Court on this the 29th day of April , 2026).

(SMT. CHAMPASHREE R.)
Prl. Civil Judge & JMFC.,
Arakalagud.

ANNEXURES

LIST OF WITNESS EXAMINED ON BEHALF OF THE PETITIONER:

PW.1 : Sri. Ravi

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PETITIONER:

Ex.P1 : Non availability certificate
Ex.P2 : Genealogy
Ex.P3 : Notarized copy of Aadhar cards of petitioner No.4.
Ex.P4 : RTC extract
Ex.P.5 : Janahitha news paper
Ex.P5(a) : Paper publication

LIST OF WITNESS EXAMINED ON BEHALF OF THE RESPONDENT:

-Nil-

LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT:

-Nil-

**(SMT. CHAMPASHREE R.)
Pri. Civil Judge & JMFC.,
Arakalgud.**

**(Order pronounced in open Court vide in
separate order sheet)**

ORDERS

Petition filed by Petitioners under Section 13(3) of Registration of Births and Deaths Act, 1969, is hereby Allowed.

Respondent is hereby directed to register the date of death of mother in law's of the petitioner No.1 and grand mother of petitioner No. 2 & 3 and Great-grand mother of petitioner No. 4 & 5 by name Mrs.Akkayamma W/o Moganna in the death register as she expired on 13.05.1982 at Shanavinakuppe village, Doddamagge Hobli, Arakalgud Taluk and issue death extract by collecting necessary fee.

This order shall not be made use for any other purpose than to effect the entry in the relevant register.

Office to intimate accordingly.

**Pri. Civil Judge & JMFC.,
Arakalgud.**

