

KAHS310004622026



**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:128/2026

BETWEEN:

1. Annegowda S/o Late Chikkegowda
Aged about 75 years,
2. Nanjamma W/o Late Swamygowda
Aged about 65 years,
3. Puttegowda S/o Late Chikkegowda
Aged about 65 years,
4. Chikkamma W/o Kengegowda
Aged about 62 years,
R/at Chikkachagahalli village,
Kasaba Hobli,
Holenarsipura Taluk,
Hassan District.
5. Somashekara S/o Late Swamygowda
Aged about 45 years,
6. Sumithra W/o Vasanthakumar
Aged about 43 years,
R/at Devipura village,
Doddamagge Hobli,
Arakalgud Taluk,
Hassan District.

7. Bhavani W/o Manjunatha,
Aged about 41 years,
R/at Annechakanahalli village,
Hallimysur Hobli,
Holenarsipura Taluk,
Hassan District.
8. Manjunatha S/o Late Swamygowda,
Aged about 39 years,

P-1,2,3,5 & 8 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 grand mother(father's 1st wife) of the petitioner No.1, 3 & 4, mother in law (father in law's 1st wife) of petitioner No. 2 & grand mother (grand father's 1st wife) of petitioner No. 4 to 8 by name Mrs. Chikkamma W/o Late Chikkegowda in the death register as 01.05.1977 at Shanavinakippe 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. Chikkamma W/o Late Chikkegowda is the grand mother(father's 1st wife) of the petitioner No.1 ,3 & 4, mother in law (father in law's 1st wife) of petitioner No. 2 & grand mother (grand father's 1st wife) of petitioner No. 4 to 8 expired on 01.05.1977 at Shanavinakippe 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. Chikkamma W/o Late Chikkegowda 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. Chikkamma W/o Late Chikkegowda is not registered in the register of Respondent. It is stated that, the death certificate of grand mother(father's 1st wife) of the petitioner No.1 ,3 & 4, mother in law (father in law's 1st wife) of petitioner No. 2 & grand mother (grand father's 1st wife) of petitioner No. 4 to 8 Mrs. Chikkamma W/o Late Chikkegowda 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 her case, Petitioner No.5 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 Notarized copy of Aadhar card of petitioner No.5. Ex.P4 is the RTC extract. Ex.P5 is the Janahitha Newspaper, Ex.P5(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. Chikkamma W/o Late Chikkegowda is the grand mother (father's 1st wife) of the petitioner No.1 ,3 & 4, mother in law (father in law's 1st wife) of petitioner No. 2 & grand mother (grand father's 1st wife) of petitioner No. 4 to 8 expired on 01.05.1977 at Bychanahalli village, Kasaba 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. Chikkamma W/o Late Chikkegowda 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. Chikkamma W/o Late Chikkegowda is not registered in the register of Respondent. It is stated that, the death certificate of grand mother (father's 1st wife) of the petitioner No.1 ,3 & 4, mother in law (father in law's 1st wife) of petitioner No. 2 & grand mother (grand father's 1st wife) of petitioner No. 4 to 8 Mrs. Chikkamma W/o Late Chikkegowda is required for deletion of his name from transferring the khata property, other Government facilities.

10. In order to prove her case, Petitioner No.5 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 Notarized copy of Aadhar card of petitioner No.5. Ex.P4 is the RTC extract. Ex.P5 is the Janahitha Newspaper, Ex.P5(a) is Paper publication.

11. PW.1 entered into witness box and orally adduces that his grand mother expired on 01.05.1977 , but his grand mother death was not registered with concerned authority. To prove that relationship of Petitioners with Mrs. Chikkamma W/o Late Chikkegowda, 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.5 is the grand son of Mrs. Chikkamma W/o Late Chikkegowda and to prove the same he produced Ex.P2, on going through Ex.P2 it is noticed that he is mentioned as grand son of Mrs. Chikkamma W/o Late Chikkegowda. PW.1 adduces that Petitioner No.5 is the grand son of Mrs. Chikkamma W/o Late Chikkegowda and to prove the same he produced Ex.P2, Further, PW.1 to prove other Petitioner's relationship with Mrs. Chikkamma W/o Late Chikkegowda, they mainly relied on Ex.P2.

12. On going through Ex.P1 it is clear that PW.1's grand mother death certificate is not available as same was not registered. On going through Ex.P5, Ex.P5(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. Chikkamma W/o Late Chikkegowda , PW.1 to prove that Mrs. Chikkamma W/o Late Chikkegowda 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. Chikkamma W/o Late Chikkegowda was in-existence. Therefore, mainly relying on the oral evidence of PW.1 it is presume that Mrs. Chikkamma W/o Late Chikkegowda was in existence and he was expired on 01.05.1977 Respondent placed absent, therefore evidence of Petitioner No.5 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 grand mother(father's 1st wife) of the petitioner No.1 ,3 & 4, mother in law (father in law's 1st wife) of petitioner No. 2 & grand mother (grand

father's 1st wife) of petitioner No. 4 to 8 by name Mrs. Chikkamma W/o Late Chikkegowda in the death register as she expired on 01.05.1977 at Shanavinakippe 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.)
Pri. Civil Judge & JMFC.,
Arakalagud.**

ANNEXURES

LIST OF WITNESS EXAMINED ON BEHALF OF THE PETITIONER:

PW.1 : Sri. Somashekara

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. 5
Ex.P.4 : 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 grand mother(father's 1st wife) of the petitioner No.1 ,3 & 4, mother in law (father in law's 1st wife) of petitioner No. 2 & grand mother (grand father's 1st wife) of petitioner No. 4 to 8 by name Mrs. Chikkamma W/o Late Chikkegowda in the death register as she expired on 01.05.1977 at Shanavinakippe village, Doddamagge Hobli, Arakalgud Taluk and issue death extract by collecting necessary fee.

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