

KAHS310004672026



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

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

DATED THIS 11th DAY OF JUNE, 2026

CRL.MISC. No: 130 /2026

BETWEEN:

1. Sri.Manjegowda
S/o. Late. Gopalegowda
Aged about 58 years,
2. Sri.Dharma
S/o.Late.Venkatesha
Aged about 37 years,

Both are R/at.
Muttige Village,
Kasaba Hobli,
Arakalagudu Taluk,
Hassan District.

.Petitioners.

(By Sri. S.R.C., Advocate)

AND:

Tahasildar,
Registrar of Birth and Death,
Taluk Office,
Arakalagudu 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 Brother of petitioner No.1 and Father of Petitioner No.2 by name Mr.Venkatesha S/o. Gopalegowda in the death register as 14.12.1994 at Muttige Village, Kasaba Hobli, Arakalagud 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, Mr.Venkatesha S/o. Gopalegowda is the Brother of petitioner No.1 and Father of Petitioner No.2 expired on 14.12.1994 at Muttige Village, Kasaba Hobli, Arakalagud 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 Mr.Venkatesha S/o. Gopalegowda for transferring the khata of landed properties, therefore Petitioners applied for the same, but the reply from Respondent contending that event relating to the death of Mr.Venkatesha S/o. Gopalegowda is not registered in the register of Respondent. It is stated that, the death certificate of Brother of petitioner No.1 and Father of Petitioner No.2 is required for deletion of his name from transferring the khata of landed properties. 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.1 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.P3 is the Janahitha News paper, Ex.P3(a) is the paper publication Ex.P4& 5 are the Notarized Adhaar cards of petitioner No.1 & 2.

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 Mr.Venkatesha S/o. Gopalegowda is the Brother of petitioner No.1, Father of Petitioner No.2 expired on 14.12.1994 at Muttige village, Kasaba Hobli, Arakalagud 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 Mr.Venkatesha S/o. Gopalegowda for transferring the khata of landed properties, therefore Petitioners applied for the same, but the reply from Respondent contending that event relating to the death of Mr.Venkatesha S/o. Gopalegowda is not registered in the register of

Respondent. It is stated that, the death certificate of Brother of petitioner No.1 and Father of Petitioner No.2 Mr.Venkatesha S/o. Gopalegowda is required for deletion of his name from transferring the khata of landed properties.

10. In order to prove his case, Petitioner No.1 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 is the Non availability certificate, Ex.P2 is Genealogy tree affidavit. Ex.P3 is the Janahitha News paper, Ex.P4 & 5 are the Notarized Adhaar cards of petitioner No.1 & 2.

11. PW.1 entered into witness box and orally adduces that his Brother expired on 14.12.1994, but his Brother death was not registered with concerned authority. To prove that relationship of Petitioners with Mr.Venkatesha S/o. Gopalegowda, Petitioners mainly relied on Ex.P2 and Ex.P.4 & 5. Ex.P2 is the Genealogy executed by Petitioners wherein the details of the family members is mentioned. PW.1 adduces that Petitioner No.1 is the younger brother of Mr.Venkatesha S/o. Gopalegowda and to prove the same he produced Ex.P2, on going through Ex.P2 it is noticed that he is mentioned as younger brother of Mr.Venkatesha S/o. Gopalegowda PW.1 adduces that Petitioner No.1 is the younger brother of Mr.Venkatesha S/o. Gopalegowda and to prove the same he produced Ex.P2, Further, PW.1 to prove another Petitioner's relationship with Mr.Venkatesha S/o. Gopalegowda, they mainly relied on Ex.P2. Ex.P.4 & 5 are the Notarized copy Aadhar cards of petitioners.

12. On going through Ex.P1 it is clear that PW.1's brother death certificate is not available as same was not registered. On going through

Ex.P3, Ex.P3(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 Mr.Venkatesha S/o. Gopalegowda, PW.1 to prove that Mr.Venkatesha S/o. Gopalegowda was in existence has mainly produced Ex.P.2 and adduced oral evidence. Ex.P2 is the genealogy affidavit, therefore, it is presume that Mr.Venkatesha S/o. Gopalegowda was in-existence. Therefore, mainly relying on the oral evidence of PW.1 it is presume that Mr.Venkatesha S/o. Gopalegowda was in existence and he was expired on 14.12.1994. Respondent placed absent, therefore evidence of Petitioner No.1 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 Brother of petitioner No.1 and Father of Petitioner No.2 in the death register as he expired on 14.12.1994 at Muttige village, Kasaba Hobli, Arakalagud 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 11th day of June , 2026).

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

ANNEXURES

LIST OF WITNESS EXAMINED ON BEHALF OF THE PETITIONER:

PW.1 : Sri. Manjegowda

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PETITIONER:

Ex.P1 : Non availability certificate
Ex.P2 : Genealogy
Ex.P3 : Janahitha News paper
Ex.P.3(a) : Paper publication
Ex.P4 & 5 : Notarized copy of Aadhar cards of petitioners

LIST OF WITNESS EXAMINED ON BEHALF OF THE RESPONDENT:

-Nil-

LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT:

-Nil-

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

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

ORDER

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 Brother of petitioner No.1 and Father of Petitioner No.2 in the death register as he expired on 14.12.1994 at Muttige village, Kasaba Hobli, Arakalagud Taluk and issue death extract by collecting necessary fee.

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