

KAHS310008682026



**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 15th DAY OF JUNE, 2026

CRL.MISC.No:285/2026

BETWEEN:

1. Devamma W/o Late Kapinigowda
Aged about 85 years,
2. Parvathi W/o Basavegowda
Aged about 56 years,
3. Nanjegowda S/o Late Kapinigowda
Aged about 52 years,
4. Krishnegowda S/o Lae Kapinigowda
Aged about 50 years,
All ate R/at
Mallitammanahalli village,
Kasaba Hobli,
Arakalgud Taluk,
Hassan District.
(By Sri. G.R.G., Advocate)

.....Petitioners.

AND:

The Tahasildar,
Birth-Death Registrar,
Arakalagud Taluk Office,
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 son of Petitioner No.1 and brother of petitioner No.2 to 4 by name Mr.Ankegowda S/o Late Kapinigowda in the death register as 20.03.2004 at Mallitammanahalli 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.Ankegowda S/o Late Kapinigowda is the son of petitioner No.1 and brother of petitioner No.2 to 4 expired on 20.03.2004 at Mallitammanahalli 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.Ankegowda S/o Late Kapinigowda for transferring the khata, therefore Petitioners applied for the same, but the reply from Respondent contending that event relating to the death of Mr.Ankegowda S/o Late Kapinigowda is not registered in the register of Respondent. It is stated that, the death certificate of son of Petitioner No.1 and brother of petitioner No.2 to 4 Mr.Ankegowda S/o Late Kapinigowda is required for transferring khata and 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 exparte.

5. In order to prove his case, Petitioner No.2 got examined himself as PW.1. PW.1 in his evidence has reiterated and reaffirmed as stated in the petition and got marked 7 documents as Ex.P1 to Ex.P7. Ex.P1 is the Non availability certificate, Ex.P2 is Genealogy tree affidavit. Ex.P.3 is the Janahitha Newspaper, Ex.P3 (a) is Paper publication. Ex.P.4 to P7 are the Aadhar card of the petitioners.

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 Petitioner that Mr.Ankegowda S/o Late Kapinigowda is the Petitioner No.1 and brother of petitioner No.2 to 4 expired on 20.03.2004 at Mallitammanahalli 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.Ankegowda S/o Late Kapinigowda for transferring the khata, therefore Petitioners applied for the same, but the reply from Respondent contending that event relating to the death of

Mr.Ankegowda S/o Late Kapinigowda is not registered in the register of Respondent. It is stated that, the death certificate of brother of petitioners Mr.Ankegowda S/o Late Kapinigowda is required for transferring khata and other Government facilities.

10. In order to prove his case, Petitioner No.2 got examined himself as PW.1. PW.1 in his evidence has reiterated and reaffirmed as stated in the petition and got marked 7 documents as Ex.P1 to Ex.P7. Ex.P1 is the Non availability certificate, Ex.P2 is Genealogy tree affidavit. Ex.P.3 is the Janahitha Newspaper, Ex.P3 (a) is Paper publication. Ex.P.4 to P7 are the Aadhar card of the petitioners.

11. PW.1 entered into witness box and orally adduces that his brother expired on 20.03.2004, but his brother death was not registered with concerned authority. To prove that relationship of Petitioners with Mr.Ankegowda S/o Late Kapinigowda, 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.2 is the brother of Mr.Ankegowda S/o Late Kapinigowda and to prove the same he produced Ex.P2, on going through Ex. P2 it is noticed that he is mentioned as brother of Mr.Ankegowda S/o Late Kapinigowda. PW.1 adduces that Petitioner No.2 is the brother of Mr.Ankegowda S/o Late Kapinigowda and to prove the same he produced Ex.P2, Further, PW.1 to prove other Petitioner's relationship with Mr.Ankegowda S/o Late Kapinigowda, they mainly relied on Ex.P2 .

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.Ankegowda S/o Late Kapinigowda, PW.1 to prove that Mr.Ankegowda S/o Late Kapinigowda was in existence has mainly produced Ex.P.2, and adduced oral evidence. Ex.P2 is the genealogy affidavit, therefore, it is presumed that Mr.Ankegowda S/o Late Kapinigowda was in-existence. Therefore, mainly relying on the oral evidence of PW.1 it is presumed that Mr.Ankegowda S/o Late Kapinigowda was in existence and he was expired on 20.03.2004. Respondent placed absent, therefore evidence of Petitioner No.2 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 son of petitioner No.1 and brother of petitioner No.2 by name Mr.Ankegowda S/o Late Kapinigowda in the death register as he expired on 20.03.2004 at Mallitammanahalli 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 17th day of June, 2026).

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

ANNEXURES

LIST OF WITNESS EXAMINED ON BEHALF OF THE PETITIONER:

PW.1 : Mr. Nanjegowda S/o Kapinigowda

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PETITIONER:

Ex.P1 : Non availability certificate
Ex.P2 : Genealogy
Ex.P.3 : Janahitha news paper
Ex.P3(a) : Paper publication
Ex.P.4& 7: Aadhar card 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.**

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

: 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 son of petitioner No.1 and brother of petitioner No.2 to 4 by name Mr. Ankegowda S/o Late Kapini Gowda in the death register as he expired on 20.03.2004 at Mallitammanahalli 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.

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