

KAHS310009512026



Presented on : 04-04-2026

Registered on : 04-04-2026

Decided on : 14-07-2026

Duration : 0 year 3 months 10 days

**IN THE COURT OF THE 1st ADDL. CIVIL JUDGE AND
J.M.F.C., ARAKALGUD.**

Present:- Smt. Suma T., B.A.,LL.B.,
1st Addl., Civil Judge & J.M.F.C.,
Arakalgud.

Dated this the 14th day of July 2026

Crl.Misc.No.304/2026

- PETITIONERS** : 1. Sharada W/o Gurusidda
Aged about 52 years,
Bilagunda village,
Kusaburu hobli,
Somavarapete taluk,
Kodagu district.
2. Neelamma W/o Lokesha
Aged about 53 years,
V.G. Koppalu village,
Konanuru hobli,
Arakalgudu taluk,
Hassan district.
3. Saraswati W/o Late Sathisha
Aged about 49 years,
Kaveri Nagara,
Shaneshwara temple road,
Bannimantapa, Mysore.
4. Jayanthi H.S W/o Thammaiah R.
Aged about 54 years,

5. K.T. Abhishek S/o Thammaiah R
Aged about 30 years,

Petitioners No.4 & 5 are R/at
Tippu circle, Harangi office road,
Konanuru town,
Arakalgud taluk
Hassan district.

[Rep.By Sri. M.D.D., Advocate]

-V/s-

RESPONDENT

: Tahasildar,
Taluk Office,
Arakalgudu Taluk,
Hassan district.

[Respondent is placed exparte]

O R D E R S

The petitioners have filed this petition Under Section 13[3] of Birth and Death Registration Act 1969 and pray the Court to direct the respondent to enter the date of death of father of petitioners No.1 to 3, father-in-law of petitioner No.4 and grand father of petitioner No.5 Sri. Ramakrishnaiah S/o Kariyappa in the registers concerned, who died on 25-02-2001.

2. It is the case of the petitioners that, father of petitioners No.1 to 3, father-in-law of petitioner No.4 and grand father of petitioner No.5 Sri. Ramakrishnaiah S/o

Kariyappa died on 25-02-2001 at their residence at Tippu circle, Harangi office road, Konanuru town, Arakalagudu Taluk, Hassan district. In this regard, petitioners had orally intimated the respondent about death of said Sri. Ramakrishnaiah. But, the respondent authority did not enter the date of death of Sri. Ramakrishnaiah in the register. The petitioners have made representation to the respondent to issue the death certificate of said Sri. Ramakrishnaiah S/o Kariyappa. Instead of issuing death certificate, the respondent has issued non availability certificate dated:27-02-2026. Now the petitioners are required death certificate of Sri. Ramakrishnaiah for changing the katha of landed properties and for other family purpose. Hence, the petitioners have filed this petition.

3. After filing of this petition by the petitioners, this court issued notice to the respondent. In spite of service of notice, the respondent did not appear before the Court and hence, respondent is placed Ex parte.

4. As per the directions of this Court, the petitioners took general paper publication in "Janahitha" Kannada daily

news paper dated:10-04-2026 having wide circulation in the state. Inspite of it no one appeared before the Court to object the petition.

5. In order to prove their case, the petitioner No.5 got examined himself as PW.1 and got marked Ex.P.1 to Ex.P.4.

6. I have heard the arguments of petitioners counsel.

7. On the basis of the contentions taken by the petitioners in their petition, the following points arise for my consideration:

1. Whether the petitioners prove that, father of petitioners No.1 to 3, father-in-law of petitioner No.4 and grand father of petitioner No.5 Sri. Ramakrishnaiah S/o Kariyappa died on 25-02-2001 at their residence at Tippu circle, Harangi office road, Konanuru town, Arakalagudu Taluk, Hassan district?

2. What Order?

8. On the basis of pleadings, oral and documentary evidence placed before the Court, my findings to the above points are as under:

Point No.1 : In the Affirmative

Point No.2 : As per final orders for the
following:

R E A S O N S

9. Point No.1: Petitioners have filed present petition before this court to direct the respondent to register the date of death of father of petitioners No.1 to 3, father-in-law of petitioner No.4 and grand father of petitioner No.5 Sri. Ramakrishnaiah S/o Kariyappa died on 25-02-2001 at their residence at Tippu circle, Harangi office road, Konanuru town, Arakalagudu Taluk, Hassan district. In order to prove their case, petitioner No.5 has examined as P.W-1 and he reiterated the petition averments in his examination-in-chief. The petitioner No.1 has produced Non-availability Certificate issued by the respondent, Notarized copy of Genealogical-tree, notarized copy of Aadhar card of petitioner No.5, Janahitha Kannada daily news paper dated.10-04-2026 calling for the persons who are interested in this case but no one has come-forward seeking to implead them as party and contested the same. The documents produced by the petitioner No.5 is marked as Ex.P-1 to Ex.P-4. Ex.P-1 discloses that the date of death of father of petitioners No.1 to 3, father-in-law of petitioner No.4 and grand father of

petitioner No.5 Sri. Ramakrishnaiah S/o Kariyappa is not entered in the Death Register maintained by the respondent. Hence, the evidence of P.W-1 remained unchallenged and there are no reasons to disbelieve the same. Sec.13(3) of the Karnataka Registration of Birth and Death Act provides for delayed registration. Petitioners have proved that date of death of father of petitioners Sri. Ramakrishnaiah is not registered in the office of respondent. Hence, the petition filed by the petitioners deserves to be allowed. Hence, for the above discussion, I answered the above point in the affirmative.

10.Point No.2: In view of my findings on point No.1 and reasons stated therein, I proceed to pass the following:

: O R D E R :

Petition filed by the petitioners
U/Sec.13(3) of Registration of Birth and
Death Act 1969 is allowed.

Respondent is directed to register the
date of death of father of petitioners
No.1 to 3, father-in-law of petitioner
No.4 and grand father of petitioner
No.5 Sri. Ramakrishnaiah S/o
Kariyappa was died on 25-02-2001 at

their residence at Tippu circle, Harangi office road, Konanuru town, Arakalagudu Taluk, Hassan district and issue death Certificate to the petitioners after collecting the requisite fee in accordance with the law.

The said entry shall not be the conclusive proof of death and in case of any dispute existing on death, the entries shall be subject to proof.

(Dictated to the stenographer, directly typed by her on computer, corrected and then pronounced by me in the open court on 14th day of July -2026)

(Smt. Suma T.)
1st Addl Civil Judge & JMFC,
Arakalagud.

A N N E X U R E

LIST OF WITNESSES EXAMINED FOR PETITIONER:

PW.1 : Abhishek K.T.

LIST OF DOCUMENTS MARKED FOR PETITIONER:

Ex.P.1 : Non availability certificate
Ex.P.2 : Genealogical tree
Ex.P.3 : Notarized copy of Aadhar card of petitioner
No.5
Ex.P.4 : Janahitha Kannada daily News paper
dated: 10-04-2026

LIST OF WITNESSES EXAMINED FOR RESPONDENT:Nil

LIST OF DOCUMENTS MARKED FOR RESPONDENT:Nil

[Smt. Suma T.]
1st Addl. Civil Judge & JMFC.,
Arakalgud.

(Vide Separate order pronounced in Open Court)

: O R D E R :

Petition filed by the petitioners U/Sec.13(3) of Registration of Birth and Death Act 1969 is allowed.

Respondent is directed to register the date of death of father of petitioners No.1 to 3, father-in-law of petitioner No.4 and grand father of petitioner No.5 Sri. Ramakrishnaiah S/o Kariyappa was died on 25-02-2001 at their residence at Tippu circle, Harangi office road, Konanuru town, Arakalagudu Taluk, Hassan district and issue death Certificate to the petitioners after collecting the requisite fee in accordance with the law.

The said entry shall not be the conclusive proof of death and in case of any dispute existing on death, the entries shall be subject to proof.

1st Addl. Civil Judge & JMFC.,
Arakalgud.