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**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 & JMFC.,
Arakalagudu

Dated this the 20th day of June 2026

Crl.Misc.No.176/2026

PETITIONERS

- :**
1. Smt. Monikamma
W/o. Late.Mariyappa,
Aged about 72 years,
 2. Sri. Pyatric
S/o. Late.Mariyappa,
Aged about 53 years,
 3. Sri.Anthoni Raju
S/o. Late.Mariyappa
Aged about 50 years,
 4. Sri. Jhan Peter
S/o. Late. Mariyappa
Aged about 47 years,

All are R/at.
Mariyanagara (Bellame)village,
Konanuru Hobli,
Arakalagudu Taluk,
Hassan District.

[Rep.By Sri. H.N.A., Advocate]

-V/s-

RESPONDENT

: 1. Tahasildar,
Birth and Death Registrar,
Taluk Office,
Arakalagudu.

[Exparte]

ORDERS

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-in-law of petitioner No.1 and grand father of petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late Anthonappa in the registers concerned, who died on 31.12.1986.

2. It is the case of the petitioners' that, father-in-law of petitioner No.1 and grand father of petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late Anthonappa died on 31.12.1986 at Mariyanagara (Bellame) village, Konanuru Hobli, Arakalagudu Taluk. In this regard, family members of petitioners had orally intimated the respondent about death of said Sri. Augustin Inosappa. But, the respondent authority did not enter the date of death of Sri.Augustin Inosappa in

the register. The petitioners have made representation to the respondent to issue the death certificate of said Sri. Augustin Inosappa. Instead of issuing death certificate, the respondent has issued non availability certificate dated:20.02.2026. Now the petitioners are required death certificate of Sri. Augustin Inosappa for making the katha of landed properties. Hence, the petitioner has 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 “ Hosa digantha” Kannada daily news paper dated:01.03.2026. having wide circulation in the state. In spite of it no one appeared before the Court to object the petition.

5. In order to prove their case, the petitioner No.2 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-in-law of petitioner No.1 and grand father of petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late Anthonappa was died on 31.12.1986 at Mariyanagara (Bellame) Village, Konanuru Hobli, 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:

REASONS

9.**Point No.1:** Petitioners have filed present petition before this court to direct the respondent to register the date of death of father-in-law of petitioner No.1 and grand father of petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late

Anthonappa was died on 31.12.1986 at Mariyanagara (Bellame) village, Konanuru Hobli, Arakalagudu Taluk. In order to prove his case, petitioner No.2 has examined as P.W-1 and he reiterated the petition averments in his examination-in-chief. The petitioner No.2 has produced Non-availability Certificate issued by the respondent, Notarized copy of Genealogical-tree, Notarized Adhaar card of petitioner No.2, Hosa digantha Kannada daily news paper dated.01.03.2026 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.2 is marked as Ex.P-1 to Ex.P-4. Ex.P-1 discloses that the date of death of father-in-law of petitioner No.1 and grand father of petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late Anthonappa 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-in-law of petitioner No.1 and grand father of

petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late. Anthonappa 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-in-law of petitioner No.1 and grand father of petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late Anthonappa was died on 31.12.1986 at Mariyanagara (Bellame) Village, Konanuru Hobli, Arakalagudu Taluk 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 20th day of June 2026)

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

A N N E X U R E

LIST OF WITNESSES EXAMINED FOR PETITIONERS:

PW.1 : Pyatric

LIST OF DOCUMENTS MARKED FOR PETITIONERS:

Ex.P.1 : Non availability certificate

Ex.P.2 : Genealogical tree

Ex.P.3 : Notarized copy of Aadhar card of petitioner No.2

Ex.P.4 : Janahitha Kannada daily News paper
dated: 01.03.2026

Ex.P.4(a) : Paper publication

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-in-law of petitioner No.1 and grand father of petitioners No.2 to 4 Sri. Augustin Inosappa S/o. Late.Anthonappa was died on 31.12.1986 at their residence at Mariyanagara (Bellame) Village, Konanuru Hobli, Arakalagudu Taluk 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.