

KAHS410006502026



IN THE COURT OF ADDL. CIVIL JUDGE AND J.M.F.C. AT
Arasikere

:: PRESENT ::

SMT.DEEPIKA.S, BA., LL.B.
I Addl. Civil Judge & J.M.F.C., Arasikere

Dated this 25th day of June 2026

Crl.Mis.No.272/2026

Petitioners

: 1. Mehaboob Bee
W/o Khasim-Sab,
Aged about 52 years,

2. Nazima
D/o Khasim-Sab,
Aged about 29 years,

Petitioner No.1 and 2 are
R/o: Kepusagara Village,
Banavara Hobli, Arasikere Taluk,
Hassan District.

(By Sri. B.M.M., Advocate)

- Versus -

Respondents

: 1. The Tahasildar,
Office of the Tahasildar,
Arasikere Town, Hassan District.

2. If any concerned.

(Absent)

**ORDER ON PETITION FILED U/SEC.13(3) OF KARNATAKA
OF BIRTH AND DEATH REGISTRATION ACT, 1969 R/W
RULES 10(3) OF KARNATAKA RULES, 1970**

This petition is filed by the petitioners seeking direction against the respondent to make necessary entry of date of death of husband of petitioner No.1 in the register maintained by him and accordingly issue death certificate in favour of the petitioners.

2. The brief facts of petitioner's case is as under :

It is stated that the death of husband of petitioner No.1 by name "Khasim Sab S/o Basheer Sab" occurred on 01.01.1998 at Kepusagara Village, Banavara Hobli, Arasikere Taluk, that when petitioner approached respondent seeking death certificate of said Khasim Sab S/o Basheer Sab, it is intimated that the same was not registered in the register maintained by the respondent. The petitioner require the death certificate to obtain the Genealogical Tree and not for any litigation purpose. Hence, he prayed to allow the petition.

3. On registration of petition, this Court has issued notice to the respondent and paper publication in 2 daily news papers. The respondent is duly served and he remained absent on the date of hearing. Therefore, respondent is placed Exparte. Even

after wide circulation of notice in news papers, none of the objectors appeared before the Court to object the grant of death certificate in favour of petitioner.

4. In order to prove their case, petitioner No.1 is examined as PW-1 and got marked documents at Ex.P1 to Ex.P5.

5. Heard petitioners and perused records.

6. The points that arise for my consideration are:

1. Whether the petitioners are entitled for the relief claimed in the petition ?

2. What order ?

7. My answer to the above points are as under :

Point No.1 : In the Affirmative,

Point No.2 : As per final order for the following ;

:: REASONS ::

8. **Point No.1** : It is necessary to note that as per Sec. 13(3) of Registration of Births and Deaths Act, to register the date of death after lapse of one year from the date of death, the order of jurisdictional Magistrate is necessary. In the case of ***Smt.Muniyamma and others Vs. Sri Devegowda and others, 2014 (1) Kar.L.J. 714, the Hon'ble High Court of Karnataka*** has laid down guidelines to be followed while passing order under Sec.13(3) of aforesaid Act. Further in the case of ***Sri H. Subbarao Vs. The L.I.C of India, Bengaluru and another, AIR 1976 KAR 231***, it is held that, entry in the

register of births and deaths is not conclusive proof of date of birth or death.

9. In this background when the documents produced by petitioner No.1 is examined, it shows that, the respondent has issued Non Availability certificate as per Ex.P1 stating that the date of death of "Khasim Sab S/o Basheer Sab" is not entered in the register maintained by him. At Ex.P5 Genealogical Tree is produced. At Ex.P4 and Ex.P5, two paper publications are produced. As per the G-tree, the petitioner No.1 is the wife of said "Khasim Sab S/o Basheer Sab". In the petition it is stated that, the death certificate required to obtain the Genealogical Tree. The petitioner has complied the guidelines issued by Hon'ble High Court of Karnataka. In the absence of any objections raised by the respondent or objectors regarding date of death, there is no ground to disbelieve the case of PW-1. Therefore, considering the law of point, it is just and proper to allow this petition only on the evidence given by the PW-1. Hence, point No.1 answered in the ***"Affirmative"***.

10. **Point No.2** : In view of above reasons, this Court proceed to pass the following :

ORDER

The petition filed under Section 10 and 13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of "**Khasim Sab S/o Basheer Sab**" occurred on **01.01.1998** at Kepusagara Village, Banavara Hobli, Arasikere Taluk, in the register maintained by him and to issue death certificate accordingly after collecting necessary Court fee from the petitioner.

(Dictated to the Stenographer, directly computerized by her, corrected, signed by me & then pronounced in the open court on this the 25th day of June, 2026)

(SMT. DEEPIKA.S)
I Addl. Civil Judge & JMFC,
Arasikere.

A N N E X U R E

1. List of witnesses examined on behalf of the petitioner :

PW-1 - Mehaboob Bee

2. List of documents marked on behalf of the petitioner :

Ex.P1 - Non-availability certificate
 Ex.P2 - Copy of Aadhaar Card
 Ex.P3 & 4 - 2 News paper publications
 Ex.P5 - Genealogical Tree

3. List of witnesses examined on behalf of the respondent:

-NONE-

4. List of documents marked on behalf of the respondent :

-NIL-

(SMT. DEEPIKA.S)
I Addl. Civil Judge & JMFC,
Arasikere.

(Order pronounced in the open Court,
vide separate Order)

ORDER

The petition filed under Section 10 and 13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of "**Khasim Sab S/o Basheer Sab**" occurred on **01.01.1998** at Kepusagara Village, Banavara Hobli, Arasikere Taluk, in the register maintained by him and to issue death certificate accordingly after collecting necessary Court fee from the petitioner.

I Addl. Civil Judge & JMFC.,
Arasikere.