

KAHS410007682026



Presented on : 09-03-2026
Registered on : 09-03-2026
Decided on : 23-06-2026
Duration : 3 months, 14 days

IN THE COURT OF PRINCIPAL CIVIL JUDGE AND J.M.F.C.
AT ARSIKERE

:: PRESENT ::

SMT.VEENA KOLEKAR, BA., LL.B.(Hons), LL.M.
Prl. Civil Judge & J.M.F.C., Arsikere

Dated this 23rd day of June 2026

Crl.Mis.No.322/2026

Petitioners : 1. Chandrappa
S/o Late Someningappa
@ Somaiah,
Aged about 45 years,
R/o: Holalkere Village,
Kanakatte Hobli, Arasikere Taluk.

Presently R/at:
Karimaranahalli Village,
Gandasi Hobli, Arasikere Taluk.

2. Sowmya
D/o Late Rajappa,
W/o Rajesh,

Aged about 26 years,
R/o: Ibbadi Village,
Arakalaguru Taluk,
Hassan District.

3. Kavya
D/o Late Rajappa,
W/o Dileep,
Aged about 24 years,
R/o : Kodanagenahalli Village,
Gubbi Taluk, Tumkur District.

(By Sri.A.G.D., Advocate)

- Versus -

Respondent : The Tahasildar,
Office of the Tahasildar,
Arsikere Town, Hassan District.

(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 father of petitioners' No.1, grand father of petitioner No.2 and 3 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 grand father of petitioner No.2 by name "Someningappa @ Somaiah S/o Late Ningappa" occurred on 24.07.2017 at Holalkere Village, Kanakatte Hobli, Arsikere Taluk, that when petitioner approached respondent seeking death certificate of said Someningappa @ Somaiah S/o Late Ningappa, it is intimated that the same was not registered in the register maintained by the respondent. The petitioners require the death certificate to obtain the Genealogical Tree and not for any litigation purpose. Hence, they 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.2 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.2 is examined, it shows that, the respondent has issued Non Availability certificate as per Ex.P1 stating that the date of death of "Someningappa @ Somaiah S/o Late Ningappa" is not entered in the register maintained by him. At Ex.P5 Genealogical Tree is produced. As per the G-tree, the petitioner No.2 is the grand daughter of said "Someningappa @ Somaiah S/o Late Ningappa". At Ex.P3 and Ex.P4, two paper publications are produced. In the petition it is stated

that, the death certificate is required to obtain 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 13(3) of Birth and Death Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of **“Someningappa @ Somaiah S/o Late Ningappa”** occurred on **24.07.2017** at Holalkere Village, Kanakatte Hobli, Arsikere 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 23rd day of June, 2026)

(SMT. VEENA KOLEKAR)
Prl. Civil Judge & JMFC,
Arsikere.

A N N E X U R E**1. List of witnesses examined on behalf of the petitioner :**

PW-1 - Sowmya

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.P 5 - 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. VEENA KOLEKAR)
Prl. Civil Judge & JMFC,
Arsikere.