

KAHS410003232026



Presented on : 02-02-2026
Registered on : 02-02-2026
Decided on : 27-06-2026
Duration : 0 years, 4 months, 25 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 27th day of June 2026

Crl.Mis.No.136/2026

Petitioners

- : 1. J.M.Jagadishamurthy
S/o Late V.M.Mallappa,
Aged about 62 years,
2. Shakunthala
W/o Late J.M.Shivanandaswamy,
Aged about 60 years,
3. J.S.Rakshitha
D/o Late J.M.Shivanandaswamy,
Aged about 20 years,
Petitioner No.1 to 3 are
R/o: JC Pura Village,
Kanakatte Hobli, Arsikere Taluk,
Hassan District.

4. J.M.Sharadamma
W/o Shivarudrappa,
Aged about 70 years,
R/o: Sakaleshpura Village,
Sakaleshpura Taluk,
Hassan District.
5. J.M.Kamalamma
W/o Shivananda,
Aged about 66 years,
R/o: Behind Gowramma
High School, Arsikere Town,
Kasaba Hobli, Arsikere Taluk,
Hassan District.
6. J.M.Jayamma
W/o Suresh,
Aged about 58 years,
R/o: Kadurahalli Village,
Kadur Taluk, Chikkamagalur District.

(By Smt.G.H.S., Advocate)

- Versus -

Respondent : The Tahasildar,
Arsikere Taluk.

(Absent)

**ORDER ON PETITION FILED U/SEC.13(3) OF KARNATAKA
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 brother 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 brother of petitioner No.1 by name "J.M.Basavaraju S/o Late V.M.Mallappa" occurred on 19.04.2014 at JC Pura Village, Kanakatte Hobli, Arsikere Taluk. That when the petitioner approached the respondent seeking death certificate of said "J.M.Basavaraju S/o Late V.M.Mallappa", 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 appearance. 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 the petitioners.

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 the 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 the 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 "J.M.Basavaraju S/o Late V.M.Mallappa" is

not entered in the register maintained by him. At Ex.P2 Genealogical Tree is produced. As per the G-tree, the petitioners No.1 is the brother of said "J.M.Basavaraju S/o Late V.M.Mallappa". At Ex.P4 and Ex.P5, two paper publications are produced. In the petition it is stated that, the death certificate is required to obtain Genealogical Tree. The petitioners have complied the guidelines issued by the 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 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 Births and Deaths Registration Act, 1969 is hereby allowed.

The respondent is directed to register the date of death of "**J.M.Basavaraju S/o Late V.M.Mallappa**" occurred on **19.04.2014** at JC Pura Village, Kanakatte Hobli, Arsikere Taluk, in the register maintained by him and

to issue death certificate accordingly after
collecting necessary fee from the petitioners.

*(Dictated to the Stenographer, directly computerized by her, corrected,
signed by me & then pronounced in the open court on this the 27th 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 - J.M.Jagadishmurthy

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

Ex.P1 - Non-availability certificate
Ex.P2 - Genealogical Tree
Ex.P3 - Copy of Aadhaar Card
Ex.P4 & 5 - 2 News paper publications

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

-NIL-

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

-NIL-

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