

KABK610034442025



Crl.Misc./416/2025

**IN THE COURT OF CIVIL JUDGE AND JMFC,
BANAHATTI**

PRESENT: Smt. SAUMYA HOOLI
B.A.,LL.B.
Civil Judge & JMFC,
Banahatti.

Dated this the 06th day of July, 2026
Crl.Misc.No.416/2025

Petitioners:

1. Shri. Basappa S/o Laxman Hukkeri,
Age: 48 years, Occ: Agriculture,
R/o Sasalatti, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.
2. Smt. Neelawwa W/o Shrishail Hanagandi,
Age: 41 years, Occ: Household work,
R/o Golabhanvi, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.
3. Shri. Banappa S/o Laxman Hukkeri,
Age: 46 years, Occ: Agriculture,
R/o Sasalatti, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.
4. Shri. Parashuram S/o Laxman Hukkeri,
Age: 44 years, Occ: Agriculture,
R/o Sasalatti, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.
5. Shri. Sadashiv S/o Laxman Hukkeri,
Age: 44 years, Occ: Agriculture,
R/o Sasalatti, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.

6. Smt. Shantawwa W/o Subhas Hanagandi,
Age: 40 years, Occ: Agriculture,
R/o Golabhanvi, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.
7. Shri. Prakash S/o Laxman Hukkeri,
Age: 33 years, Occ: Agriculture,
R/o Sasalatti, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.
8. Smt. Annapurna W/o Irappa Murabatti,
Age: 31 years, Occ: Household work,
R/o Sasalatti, Tq: Rabkavi-Banahatti,
Dist: Bagalkot.

(By Sri S.I.M., Advocate)

/VERSUS/

Respondent:

1. The Tahasildar ,
Registrar of Birth & Deaths,
Officer, Rabkavi-Banahatti,
Tq: Rabakavi-Banahatti,

(absent)

ORDER

The petitioners have filed this petition U/Sec. 13(3) the Birth and Deaths Registration Act 1969 R/w Rule 10(3) of Karnataka Birth and Deaths Rules of 1970 seeking issuance of direction to the respondent to register the date of death of mother of petitioner No. 1 to 8 by name **Smt. Balawwa W/o Laxman Hukkeri**, who

died on 24-04-2023 in her house at Sasalatti, Tq: Rabkavi-Banahatti.

2. The case of the petitioner in brief is as under;

The petitioners are the children of deceased **Balawwa** and she expired on 24-04-2023. The petitioners are the legal heirs of deceased **Balawwa**. The petitioners have approached the respondent for obtaining death certificate of **Smt. Balawwa W/o Laxman Hukkeri**. But, the respondent has issued non-availability on 15-04-2025 stating that there is no entry of death of **Smt. Balawwa W/o Laxman Hukkeri** in the year 2023 register. Hence, the petitioners constrained to file this petition.

3. After service of notice, respondent has not appeared before this court and hence placed absent.

4. In order to prove their case, the petitioner No.3 got examined as PW-1 and got produced as many as six documents and got marked at Ex.P-1 to Ex.P-6 and closed petitioners' side evidence. The respondent did not appear and hence placed him as absent.

5. Heard the arguments of counsel for petitioners.
Perused the oral and documentary evidence placed before this court.

6. The points that arise for consideration are as follows;

POINTS

- (1) Whether the petition filed by the petitioners U/Sec. 13(3) of Birth & Deaths Registration Act 1969 R/w Rule 10(3) of Karnataka Birth and Deaths Rules of 1970 deserves to be allowed?
- (2) What order?

7. The answers 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 the case of the petitioners that, the mother of petitioners by name **Smt. Balawwa W/o Laxman Hukkeri**, died on 24-04-2023 at Sasalatti village. The petitioners have applied for death certificate in the respondent's office. But the respondent has issued non-availability certificate stating that, there is no entry about the death particulars of Smt. Balawwa W/o Laxman Hukkeri.

9. The petitioner No.3 has been examined as P.W.1 before this court and he has reiterated the contents of the petition. The petitioners produced the six documents, which were marked as Ex.P.1 to 6. The Ex.P.1 is the non-availability certificate issued by the respondent stating that, the death of the Smt. Balawwa W/o Laxman Hukkeri has not been registered in the register of births and deaths maintained by respondent. Ex.P.2 is the Attested copy of Ration, Ex.P.3 is the attested copy of Voter of Smt. Balawwa, Ex.P.4 is the death extract of Laxman Hukkeri, Ex.P.5 and Ex.P.6 are the paper publications. Wherein in paper publications, it is mentioned that the date of death of Smt. Balawwa W/o Laxman Hukkeri who is mother of petitioners is shown as 24-04-2023 and no one has filed objection about the date of death of Smt. Balawwa W/o Laxman Hukkeri. Further stated that, now the death certificate of Smt. Balawwa W/o Laxman Hukkeri is required for Varasa purpose.

10. Section 13(3) registration of Births and Deaths Act, 1969 is reads as under:

13(3) any birth or death which has not been registered within one year of its occurrence shall be registered only on an order made by a Magistrate of the first class of presidency magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

11. As per the above provision any birth or death shall not be entered in the register of birth and death after one year event, without order of the Magistrate of First Class or Presidency Magistrate. In this case the petitioner No.3 has been examined before this court and he has reiterated the contents of the petition. The Ex.P.1 is non-availability certificate issued by the respondent stating that, the death of mother of petitioners has not been registered in the register of births and deaths maintained by respondent. Paper publications, which show that the date of death of Smt. Balawwa W/o Laxman Hukkeri is 24-04-2023. There is no contrary evidence placed on record. This court did not find any reason to disbelieve the case of the petitioners. Therefore, considering the oral and documentary evidence on record, this court is of considered opinion that the

petitioners have proved the point No.1. Accordingly, this court answered Point No.1 in the **Affirmative**.

12. POINT NO.2 : In view of answering point No.1 in affirmative, this Court proceed to pass the following :

O R D E R

Petition filed by petitioners U/Sec. 13(3)
the Birth and Deaths Registration Act 1969
R/w Rule 10(3) of Karnataka Birth and Deaths
Rules of 1970 is hereby allowed.

Respondent is directed to enter the date
of death of mother of petitioners by name
Smt. Balawwa W/o Laxman Hukkeri, who
died on **24-04-2023** at Sasalatti village, Tq:
Rabakavi-Banahatti in the concerned register
on payment of prescribed fees.

(Dictated to the stenographer directly on the computer, typed by him, script revised, corrected and then pronounced by me in the Open Court on this the day of **06th day of July, 2026**).

Sd/-
(SMT. SAUMYA HOOLI)
Civil Judge & J.M.F.C.,
Banahatti

Annexure**Witnesses examined on behalf of the Petitioner:**

PW-1 : Shri. Banappa S/o Laxman Hukkeri,

Documents exhibited on behalf of the Petitioner:

Ex.P-1 : Non availability Certificate
Ex.P.2 : Attested copy of Ration card.
Ex.P.3 : Attested copy of Voter ID of
deceased Smt. Balawwa.
Ex.P.4 : Death extract of Laxman Hukkeri.
Ex.P.5 and 6 : Paper publications.

Witnesses examined on behalf of the Respondent:

- NIL -

Documents exhibited on behalf of the Respondent:

- NIL-

Sd/-
(SMT. SAUMYA HOOLI)
Civil Judge & J.M.F.C.,
Banahatti