

KAHS700002902026



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC AT
HOLENARASIPURA**

Presented :Smt. Nivedita M.Munavallimath
B.Com., LL.M.
Senior Civil Judge, Holenarasipura

Dated: this the 19th day of June 2026

Cri.Misc.No.49/2026

PETITIONERS:

1. Erajamma,
W/o. Shivananjappa,
Aged about 67 years,
2. Parvathamma,
W/o. Late Swamy,
Aged about 64 years,
- 3.Murthy,
S/o. Late Swamy,
Aged about 42 years,
4. Ramesha.B.S,
S/o. Late Swamy,
Aged about 32 years,
All are R/at Bachanahalli village,
Hallimysuru hobli,
Holenarasipura taluk.

(By Sri.M.R.M.,advocate)

- Vs -

RESPONDENT:

Thasildar,
Holenarasipura taluk.

(Ex-parte)

:: ORDERS ::

The Petitioners have filed this petition U/Sec.13(3) of Birth and Death Registration Act, praying this court to direct the respondent to make entry of date of death of brother of petitioner No.1, elder brother of the husband of petitioner No.2, senior uncle of petitioner No.3 and 4 by name Basavanna S/o. Late B.V.Channappa in the birth and death register maintained by the respondent.

2. The brief facts of the petitioners case are as follows:

The brother of petitioner No.1, elder brother of the husband of petitioner No.2, senior uncle of petitioner No.3 and 4 by name Basavanna S/o. Late B.V.Channappa by name Basavanna died on 02.03.2014 at Bachanahalli Village, Hallimysuru Hobli, Holenarasipura Taluk. The petitioner No.3 has applied for death certificate, but the respondent authorities have issued non-availability certificate stating that the particulars are not entered in the Birth and Death register maintained by the respondent. Hence this petition.

3. After filing of the petition, the notice was issued to the respondent and inspite of service of the same, the respondent remained absent. The citation was issued in Vijayavani and Prakashamana Kannada Daily news paper. Inspite of publication no one has appeared and challenged the petition filed by the petitioners.

4. In order to prove the averments of the petition, petitioner No.3 examined as P.W.1 and got marked eight documents as Ex.P1 to Ex.P8. On the other hand the respondent remained absent.

5. Heard and perused.

6. The following points arise for my consideration :-

1. Does the petitioners establish that Basavanna died on 02.03.2014 as stated in the petition?

2. What order?

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

Point No.1: In the Affirmative and

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

:REASONS:

8. **Point No.1:-** In order to prove the case, petitioner No.3 deposed as PW.1 by filing affidavit and reiterated all petition averments. In support of his oral evidence he has produced G.tree, affidavit, Non-Availability Certificate, notarized copies of the Aadhar cards and news papers which got marked at Ex.P1 to Ex.P8 respectively. It is relevant to note that inspite of service of notice the respondent remained absent and hence, the oral and documentary evidence placed by PW.1 remained unchallenged. Apart from this,

inspite of paper publication, no interested persons are appeared and filed objection.

9. It is also trite that in a proceeding under Sec. 13(1)(3) of Registration of Births and Deaths Act, court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by Hon'ble High Court of Karnataka in 2000(4) KCCR 2674 (State of Karnataka V/s. Smt. Annakka). It has been held as under ;

"REGISTRATION OF BIRTHS AND DEATHS ACT 1969- Sec.13(3)- Direction to make an entry in the Birth Registration by the Magistrate-Challenged on the ground, that except the statement of applicant on oath there was no other material.

Held: Magistrate in a proceeding under Sec. 13(3) only ascertains the birth of the child and date is not the material consideration, as such directions bind only the Registration Office under the Act to make an entry and does not carry his probative value".

10. In the instant case, PW.1 categorically stated that his senior uncle died on 02.03.2014 at Bachanahalli village, Hallimysuru hobli, Holenarasipura taluk. The Ex.P2 disclosed that no entry of death of Basavanna is available on concerned register. Therefore, in view of above observation of the Hon'ble High Court of Karnataka, it is just

and proper to allow the petition. Accordingly, I answer Point No.1 in the **Affirmative**.

11. Point No.2:- For the foregoing reasons, I proceed to pass the following:

ORDER

The petition filed by petitioners under Sec. 13(3) of Registration of Births and Deaths Act, is hereby allowed.

The respondent is directed to enter the death particulars of Basavanna S/o. B.V.Channappa died on 02.03.2014 at Bachanahalli Village, Hallimysuru Hobli, Holenarasipura Taluk in the concerned statutory register and issue a death certificate accordingly to petitioners after collecting necessary fee.

Parties to bear their respective costs.

(Dictated to the Stenographer directly on computer, corrected by me, signed and then pronounced by me in the open Court on this 19th day of June, 2026).

(Smt.Nivedita M.Munavallimath)
Senior Civil Judge and JMFC.,
Holenarasipura.

ANNEXURE

WITNESS EXAMINED ON BEHALF THE PETITIONERS:

PW.1 : Murthy S/o. Late Swamy

DOCUMENTS MARKED BEHALF OF THE PETITIONERS:

Ex.P1 : G.tree
Ex.P2 : Non availability certificate
Ex.P3 to 6 : Notarized copies of the Aadhar cards
Ex.P7 & 8 : News papers
Ex.P7(a) : Marked portion
Ex.P8(a) : Marked portion

WITNESSES EXAMINED ON BEHALF OF THE RESPONDENT: NIL.**DOCUMENTS MARKED ON BEHALF OF THE RESPONDENT: NIL.**

Senior Civil Judge and JMFC.,
Holenarasipura.