

KAHS710008382026



IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,
AT : HOLENARASIPURA

PRESENT: **SRI. Yogeendra Shetty,** B.com.,LL.B.
PRL.CIVIL JUDGE & JMFC,
HOLENARASIPURA.

Crl.Misc. No.142/2026

DATED THIS THE 25th DAY OF JULY-2026

Petitioner/s:-

1. Jayalakshmi,
S/o.Late.Prabhulinga,
Aged about 50 years,
R/at: Dodda A.K. Colony,
Holenarasipura Taluk,
Hassan District.

2. Subhadramma,
W/o.Late.Channakeshava,
Aged about 48 years,
R/at:Hirebelaguli Village,
Halekote Hobli,
Holenarasipura Taluk,
Hassan District.

3. Lokesha.,
S/o.Late.Kariyayya,
Aged about 45 years,
R/at:Hirebelaguli Village,
Halekote Hobli,
Holenarasipura Taluk,
Hassan District.

(By Sri.C.S., Advocate)

V/s

Respondent/s:-

The Tahasildar,
Taluk Office,
Holenarasipura Taluk,
Hassan District.

(Ex-Parte)

ORDERS ON MAIN PETITION

Petitioners have filed this petition under Section 13(3) of Births and Deaths Registration Act seeking directions from this Court to the Respondent to enter the date of death of Grandfather of Petitioners by name Dasayya S/o.Late. Sannayya who expired on 01.09.1957 at his home situated at Hirebelaguli village, Halekote Hobli, Holenarasipura Taluk, Hassan District. On death of said Dasayya the Petitioners had intimated the fact of his death to the Respondent authorities orally. But, the same was not registered by the Respondent. The Petitioners are in need of death certificate of said Dasayya to get the *khatha* pertaining to the property changed, and thus, approached the Respondent and submitted application. The Respondent has issued non availability certificate dated 02.05.2026 stating that, the death of Dasayya is not entered in the concerned register. Hence, this petition.

2. Notice was issued to the Respondent and inspite of service of the notice, Respondent has remained absent and placed Ex-Parte.
3. Inquiry under Section 13(3) of Births and Deaths Act was conducted.
4. The Petitioner No.2 got examined himself as PW.1 and got marked 5 documents at Exs.P1 to 5.
5. Heard learned counsel for Petitioners'.
6. Perused materials placed on record.
7. Following points arise for the consideration of this Court:

1. Whether the Petitioners prove that, Dasayya S/o.Late. Sannayahas expired on 01.09.1957 at his own village ?

2. What order?

8. The findings of this Court to the above points are as under:

Point No.1 : In the Affirmative

Point No.2 : As per final order
or the following:

REASONS

9. **Point No.1:-** It is the case of the Petitioners' that, the Respondent authorities have not entered the date of death of Dasayya, hence this petition.

10.Ex.P1. is the non-availability of death certificate; Ex.P2. Notarised genealogical tree affidavit.; Ex.P3.Notarised copy of Adhara card. Exs.P4 and 5 are the Prakashamana and Hosadigantha News papers; Exs.P4(a) and 5(a) are the Paper publications done in Exs.P4 and 5.

11. PW.1 has adduced his evidence on affidavit, reiterating the contents of the petition. It is contended by PW.1 that, his Grandfather Dasayya has expired on 01.09.1957 at his home situated at Hirebelaguli Village, Halekote Hobli, Holenarasipura Taluk, Hassan District and on death of said Dasayya the same was intimated to the Respondent, but the Respondent has not entered the date of death of Dasayya in the concerned records.

12. The Petitioners have arrayed the respondent Tahasildar, Taluk office, Holenarasipura Taluk as party who is also the Registrar of Births and Deaths, as party in the petition and further have taken paper publications. It is further the case of the Petitioners' that, when they approached the respondent seeking issuance of death certificate of Dasayya, the respondent has issued non availability certificate stating that, the date of death of said Dasayya, is not registered and the said fact could be made out on perusal of Ex.P1.

13. The Petitioners have produced all documents which are the certificate of genealogical tree and non-availability certificate issued by the respondent to prove their case under Section 13(3) of Registration of Births and Deaths Act and under Rule (3) of Karnataka Registration of Births and Death Rules 1999.

14. Further the petitioners have got published the notice in Two news papers which are widely circulated in the area namely Prakashamana & Hosadigantha, which are marked at Exs.P4(a) and 5(a). In spite of taking the paper publications, none appeared and filed objections to the said petition.

15. Inquiry is duly held and on inquiry, it is found that the petitioners require the death certificate of Dasayya for the purpose of obtaining *Khatha* in relation to agricultural land and other purposes. In this regard, this Court is of the considered view that, the petitioners have made out grounds stated in the case of **Smt. Muniyamma and Others V/s. Devegowda and others** reported in **ILR 2013 Kar 4703**. The ratio laid down in the above referred case is complied by the petitioners. Thus, this Court is of the considered view that, the petitioners have proved the death of Dasayya. Hence, point No.1 is answered in the **Affirmative**.

16. Point No.2:- For discussion on point No.1, following order is passed.

ORDER

The petition filed by the Petitioners under section 13(3) of Registration of Births and Deaths Act is hereby allowed.

The Respondent is hereby directed to enter the date of death of Dasayya S/o.Late.Sannayya who expired on 01.09.1957 at home situated at Hirebelaguli Village, Halekote Hobli, Holenarasipura Taluk, Hassan District in the concerned register after the petitioners deposit the requisite fee if any and issue the death extract to that effect in favor of the petitioners'.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the open court on this the 25th day of July 2026)

(Sri. Yogeendra Sheety)
Prl. Civil Judge & JMFC,
Holenarasipura.

Annexure

1. Witness examined for petitioner:-

PW.1: Subhadramma

2. Ex.Documents marked for the petitioner:-

Ex.P.1: Non-availability certificate

EX.P.2: Genealogical tree certificate

EX.P.3: Notarized copy of Adhara card

Exs.P4 and 5 :News papers in Hosadigantha & Prakashamana

EXs.P4(a) & 5(a): Paper publications done in Exs.P4 and 5

3. Witness/Ex.documents marked for the respondent:-

Nil

(SRI Yogeendra Sheety)
Prl.Civil Judge & JMFC,
Holenarasipura.

