

V/s



Respondent : The Tahsildar,
Sakaleshpura Taluk,
Sakaleshpura.

(Ex-parte)

::ORDERS::

This petition is filed by the petitioners under section 13(3) of the Registration of the Births and Deaths Act, seeking direction from this court to direct the respondent to enter the date of death of the deceased by name **Thaniya S/o Late Thukra Mesthry** died on **30.11.2023** at **Bage village and Post, Dhakle, Ratemane, Sakaleshpura Taluk, Hassan District** in the Register maintained by the respondents.

2. Background of the facts in a nutshell as under:

The father of petitioner No.1 and 3 and husband of petitioner No.2 i.e., **Thaniya S/o Late Thukra Mesthry** died on **30.11.2023** at **Bage village and Post, Dhakle, Ratemane, Sakaleshpura Taluk, Hassan District**. The petitioners have requested the respondent to issue death



certificate of the said **Thaniya S/o Late Thukra Mesthry**.

But, the respondent has issued non availability certificate stating that no entry is available with respect to date of death of the said **Thaniya S/o Late Thukra Mesthry**. Hence, they have filed the present petition.

3. Inspite of service of summons, the respondent has not appeared before the court. Hence, he is placed exparte.

4. The petitioners have taken paper publication by publishing the notice in “Jnanadeepa” daily News Paper dated : 01.02.2026 and “Hassan Madhyama” daily News Paper dated : 0.02.2026 calling upon, if any persons have got any objection to petition filed by the petitioners. No persons have appeared nor filed any objections.

5. The petitioners in order to prove the averments of the petition, petitioner No.1 got himself examined as PW.1 and got marked documents at Ex.P1 to Ex.P5.



6. Heard the petitioners and perused the materials on record.

7. The following points arise for the determination.

Point No.1: Whether the petitioners have made out sufficient grounds for allowing the petition?

Point No.2 : What order?

8. My answer to the above points are under.

Point No.1 : In the *Affirmative*

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

::REASONS::

9. It is contended by the petitioners that deceased **Thaniya S/o Late Thukra Mesthry** expired on **30.11.2023** at **Bage village and Post, Dhakle, Ratemane, Sakaleshpura Taluk, Hassan District**. The petitioners are the legal heirs of deceased **Thaniya S/o Late Thukra Mesthry**. They have further contended that, they were under



the impression that the respondent authority might have entered the death event of the deceased and hence, they are not made any attempt to get the death certificate of the deceased. They further contended that when petitioners have approached the respondent, the respondent has issued the non-availability certificate by stating that the date of death of the deceased is not registered. The said non-availability certificate issued by the respondent is marked as Ex.P1. Ex.P.2 is the Genealogical Tree, Ex.P.3 is the Aadhar Card, Ex.P4 and Ex.P5 are the paper publications. The petitioners have also got substituted the service issued through news paper publication in “Jnanadeepa” daily News Paper dated : 01.02.2026 and “Hassan Madhyama” daily News Paper dated : 0.02.2026. After news paper publication no objections has been received with respect to the said papers publications. The evidence adduced by the PW.1 has remained unchallenged. Thus, there is no



reason to disbelieve the evidence of the petitioners.

10. It is also trite in a proceedings under section 13(3) of registration of births and deaths Act, court is concerned with the factum of birth or death and date of birth or deaths 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**, which reads thus,

“Registration of Births and Deaths Act, 1969-section 13(3)-direction to make an entry in the Birth register by the Magistrate-Challenged on the ground that except the statement of applicant on oath, there is no other materials.

Held. The Magistrate in a proceeding under section 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 higher probative value”.



11. Reverting to the factual matrix of the present case, petitioner No.1 has stated in his examination-in-chief that they are legal heirs of deceased. PW.1 has further stated that in his examination-in-chief that the death certificate of the deceased is necessary for the purpose of Transfer of khatha and Government facility. Hence, I am of the opinion that there are no grounds to reject the petition. Further, in the event of allowing the petition, no other persons will be put into loss or injustice. On the other hand, in the event of rejecting the petition, the petitioners will be put into great hardship and injustice. Under the circumstances, the petition is liable to be allowed. Hence, I proceed to pass the following:

::ORDER::

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



The respondent is hereby directed to enter the date of death of **Thaniya S/o Late Thukra Mesthry** as **30.11.2023** at **Bage village and Post, Dhakle, Ratemane, Sakaleshpura Taluk, Hassan District** in the concerned records and issue death certificate to the petitioners after collecting the required fee and fine.

The said entry shall not be a conclusive proof of death and in case of any dispute there exists on death, the entries shall be subject to proof.

No order as to costs.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 20th day of June, 2026]

[Lakshmi Narasimha R.V,]
Prl. Civil Judge and JMFC,
Sakaleshpura.

::ANNEXURE::

List of witnesses examined for the petitioners :

PW1 : Sri. Mahesh T.



List of documents exhibited for the petitioners :

Ex.P1 : Non availability certificate
Ex.P2 : Genealogical tree
Ex.P3 : Aadhar Card
Ex.P4 & 5 : Paper publications

List of witnesses examined for the respondent:

-----NIL-----

List of documents exhibited for the respondent:

-----NIL-----

[Lakshmi Narasimha R.V,]
Prl. Civil Judge and JMFC,
Sakaleshpura.