



**IN THE COURT OF THE I Addl. CIVIL JUDGE AND
J.M.F.C. AT SAKALESH PURA**

Dated this the 22nd day of July, 2026

Present: Smt. Shruthi K.S., B.A.,LL.B.

**I Addl. Civil Judge and J.M.F.C.,
Sakaleshpura.**

C.Mis. No.182/2026

Petitioners:-

1. Smt. Rukmini
W/o Janardahanachar,
Aged about 58 years,
2. Sri.Ramesh
S/o late Rudrachar,
Aged about 55 years,
3. Sri.Hoovappa,
S/o late Rudrachar,
Aged about 50 years,
4. Sowbhagya W/o
Manjunath, Aged
about 46 years,

All are R/at Kallalli
Kushalanagara Village,
Belagodu Hobli,
Sakaleshpura Taluk.

(By Sri. V.K., Advocate)

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- Versus -

Respondent:-

The Tahasildar
Birth and Death Registrar,
Sakaleshpura.

(Respondent is placed exparte)

**ORDER ON APPLICATION FILED U/Sec. 13(3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT 1969.**

This is a petition filed by the petitioner seeking direction to the respondent to issue death certificate of the mother of the petitioners by mentioning date of death and name as Kenchamma W/o late Rudrachar.

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

That the deceased Kenchamma W/o late Rudrachar is the mother of the petitioners. They further state that Kenchamma W/o late Rudrachar died on 23.04.2023 at the residential house of the petitioners situated at Kallalli-Kushalanagara Village, Belagodu hobli, Sakaleshpura Taluk. The date of death of Kenchamma W/o late Rudrachar and

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other particulars were not entered in the register maintained by the respondent. In order to change the katha and for the purpose of other government correspondences, the petitioners are in need of the death certificate of their mother. As such, they had approached the respondent seeking the same. In response a non-availability certificate has been issued by the respondent. Hence, this petition is filed.

3. In spite of due service of the notice on the respondent, the respondent remained absent. Hence, the respondent has been placed exparte.

4. In support of the petition, the petitioner No.3 having deposed on his behalf and on behalf of remaining petitioners as PW.1 by way of affidavit filed by him in lieu of his oral examination in chief got marked 09 documents as per Ex.P.1 to P10. Ex.P.1 is Original Non-availability Certificate, Ex.P.2 is the Notarized copy of Genealogical tree, Exs.P.3 to 7 are the Adhaar Card pertaining to the

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petitioners; Exs.P.8 and 9 Two Paper Publications; Ex.P.9 is the RtC pertaining to the land bearing Sy.No.80/2 of Belagodu Village. PW.1 is not cross examined by the other side as the respondent remained absent and has been placed exparte.

5. Heard the arguments and perused the records.
6. The points that arise for my consideration are that:

1. Whether the petitioners have made out grounds to grant the relief as prayed for in the petition?

2. What Order ?

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

Point No.1:- In the Affirmative.

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

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R E A S O N S

8. Point No.1: This court has already narrated the factual matrix of the petition in the above paragraphs. Hence, the repetition of the same is not necessary. The evidence given by PW.1/Petitioner No.3 by way of affidavit filed by him in lieu of his oral examination in chief corroborates with the documents Ex.P.1 to P10 as before approaching this court the petitioner has approached the respondent, for which the authority concerned has issued Ex.P.1 Non Availability certificate. In addition to this, the other documents i.e., Ex.P2 document justify the fact that, the petitioners are the children of the deceased Kenchamma W/o late Rudrachar. Apart from that, the documents Ex.P8 and Ex.P9 the publications made therein would also justify the fact that inspite of publications of the notice in the paper having wide circulation, none of the interested parties / objectors appeared challenging the petition. As the oral and documentary evidence given by

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PW.1 remained unquestioned and unchallenged, there appears no impediment to this court to grant the relief as prayed for in this petition. Hence, Point No.1 is answered in the **Affirmative**.

9. Point No.2: In view of my finding on the above point, I proceed to pass the following:-

ORDER

The present petition filed U/Sec. 13 (3) of the Registration of Births and Deaths Act is hereby allowed and consequently the respondent is directed to make necessary entry of death of Kenchamma W/o late Rudrachar who died on 23-04-2023 at residential house of the petitioners situated at Kallalli - Kushalanagara Village, Belaboud hobli, Sakaleshpura Taluk in the Register of death after collecting requisite fee in this regard.

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The respondent is also directed to mention in the death certificate that the same is issued in pursuance of this order.

It is made clear that, if any dispute arises in connection with the date of death or place of death, it will be subject to the decision of the competent Civil court.

No order as to Costs.

(Dictated to the Stenographer directly on the computer, typed by her, corrected and then pronounced by me in open court, this the **21st day of July, 2026**)

**(Smt. Shruthi K.S.)
I Addl. Civil Judge & JMFC.,
Sakaleshpura.**

ANNEXURE

List of witnesses examined for the petitioners:-

P.W.1. : Hoovappa

List of witnesses examined for the respondent: -Nil-

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**List of exhibits marked for the petitioners:-**

Ex.P.1 : Original Non Availability Certificate.

Ex.P.2 : Genealogical / family Tree

Exs.P.3 : Adhaar Card of 5 petitioners
to 7

Ex.P.8 & 9: Two Paper publications.

Ex.P.10 : RTC pertaining to the land
bearing Sy.No.80/2 of Belagodu
Village.

List of exhibits marked for the respondent: - Nil -

**(Smt. Shruthi K.S.)
I Addl.Civil Judge & JMFC.,
Sakaleshpura.**

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