

KAHS810006042026



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

Dated this the 20th day of June, 2026

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

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

C.Mis. No.158/2026

Petitioners:-

1. Smt. Hoovamma
D/o Late Channegowda,
Aged about 68 year,
2. Sri. E.C. Srinivasa
S/o Late Channegowda,
Aged about 57 years,
3. Smt. Rathnamma
D/o Late Channegowda,
Aged about 52 years,
All are R/at Echalabeedu village,
Yasaluru Hobli,
Sakaleshpura Taluk.

(By Sri. S.P., Advocate)

- Versus -

Respondent:-

The Commissioner,
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 seeking direction to the respondent to issue death certificate of the petitioners father and by mentioning date of death and name as Channegowda S/o Late Kenchegowda.

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

That the petitioner is the son of Channegowda S/o Late Kenchegowda. She further state that Channegowda S/o Late Kenchegowda died on 01.02.1975 at Echalabeedu village, Yasaluru Hobli, Sakaleshpura Taluk. The date of death of Channegowda S/o Late Kenchegowda and other particulars were not entered in the register maintained by the respondent. In order to get the Genealogy, change the katha and also for Government facilities the petitioner is in need of the death certificate of her father. As such, she 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 having deposed on his behalf as PW.1 by way of affidavit filed by him in lieu of his oral examination in chief got marked 05 documents as per Ex.P.1 to P7. Ex.P.1 is Original Non-availability Certificate, Ex.P.2 is the Notarized copy of Genealogical tree, Ex.P.3 to 5 are the notarized copy of Adhara card, Ex.P.6 and P.7 are the paper publications and Ex.P.4(a) and 5(a) are the selected portion of paper publications. 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 petitioner has 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:

REASONS

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 by way of affidavit filed by him in lieu of his oral examination in chief corroborates with the documents Ex.P.1 to P7 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 petitioner is the only son of deceased Channegowda S/o Late Kenchegowda. Apart from that, the documents Ex.P6 and Ex.P7 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 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 Channegowda S/o Late Kenchegowda who died on 01.02.1975 at Echalabeedu village, Yasaluru Hobli, Sakaleshpura Taluk in the register of death after collecting requisite fee in this regard.

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 **20th day of June, 2026**)

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



ANNEXURE

List of witnesses examined for the petitioners:-

P.W.1. : E.C. Srinivasa

List of witnesses examined for the respondent: -Nil-

List of exhibits marked for the petitioners:-

Ex.P.1 : Original Non Availability Certificate.

Ex.P.2 : Genealogical / family Tree

Ex.P.3 to 5 : Xerox copy of Adhara card.

Ex.P.6 & 7: Two Paper publications.

List of exhibits marked for the respondent: - Nil -

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



**Order pronounced in the open Court as
under (vide separate order)**

ORDER

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Sakaleshpura.***

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