



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

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.78/2026

Petitioners:-

1. Sri.Ravikumar
S/o Shankar,
Aged about 50 years,
2. Sri.Girish
S/o Shankar
Aged about 46 years,
3. Kum.Ashwini
D/o Shankar
Aged about 44 years,
4. Sri.Ashwathi S/o
Shankar, Aged
about 42 years,

All are R/at Bage Village,
and Post, Belagodu Hobli
Sakaleshpura Taluk.

(By Sri.A.V.K., Advocate)

- Versus -

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**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 petitioners by mentioning date of death and name as Sundari W/o Shankar S/o Erappa Poojari.

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

That the deceased Sundari W/o Shankar S/o Erappa Poojari is the mother of the petitioners. They further state that Sundari W/o Shankar S/o Erappa Poojari died on 12.07.1992 in the residential house of the petitioner situated at Bage Village and post, Belagodu hobli, Sakaleshpura Taluk. The date of death of Sundari W/o

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Shankar S/o Erappa Poojari and other particulars were not entered in the register maintained by the respondent. In order to change the katha and for the purpose of government correspondence, 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.1 having deposed on his behalf and on behalf of the 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 P9. Ex.P.1 is Original Non-availability Certificate, Ex.P.2 is the Notarized copy of Genealogical tree, Exs.P.3 to 6 are the Notarized copies of Adhaar Card

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in respect of the petitioners; Ex.P.7 is the RTC in respect of the land bearing Sy.No.12/1 of Aluvalli Village; Ex.P.8 is the Bheema Vijaya News Paper; Ex.P.9 is the Udaya Varadhi New Paper. . 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.1 by way of affidavit filed by him in lieu of his oral examination in chief corroborates with the documents Ex.P.1 to P9 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 Sundari W/o Shankar S/o Erappa Poojari. Apart from that, the documents Ex.P8 and Ex.P9 are 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

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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 Sundari W/o Shankar S/o Erappa Poojari who died on 12-07-1992 at residential house of the petitioners situated at Bage Village and post, Belagodu 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, computerized by him, corrected and then pronounced by me in open court, this the **22nd 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. : Ravikumar

List of witnesses examined for the respondent:- -Nil-

List of exhibits marked for the petitioners:-

Ex.P.1 : Original Non Availability Certificate.

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- Ex.P.2 : Genealogical / family Tree
- Exs.P.3 : Adhaar Card of petitioners
to 6
- Ex.P.7 : RTC pertaining to Aluvalli Village
bearing Sy.No.12/1
- Ex.P.8 : Paper publication of Bheema Vijaya
dtd:15-04-2026
- Ex.P.9 : Paper publication of Udaya Varadhi
dtd:18-11-2026

List of exhibits marked for the respondent: - Nil -

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

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