

**IN THE COURT OF CIVIL JUDGE & J.M.F.C., CHITTAPUR**

***Present***

**SRI. ABHISHEK RAMACHANDRA JOSHI,**

***B.A.L. LL.B.***

***Civil Judge & JMFC,***

***CHITTAPUR***

**CrI.Misc.No.2405/2025**

**DATED: THIS THE 13<sup>th</sup> DAY OF MARCH 2026**

**PETITIONER:-**

Mallappa S/o Late Durgappa,  
Aged : 47 years, Occ: Coolie, R/o  
Satanoor village, Tq: Chittapur,  
Dist: Kalaburagi.

**(By Sri. S.M. Hooli., Advocate)**

**// Versus //**

**RESPONDENTS:**

1. The Registrar of Births & Deaths-  
Tahasil Office Chittapur,  
Tq: Chittapur, Dist: Kalaburagi.
2. All Concerned.

**(Ex-parte)**

**ORDERS ON PETITION FILED U/S 13 (3) OF REGISTRATION OF  
BIRTHS AND DEATHS ACT, 1969**

This petition is filed by the petitioner U/s 13 (3) of Karnataka Births and Deaths Registration Act-1969.

2. **Brief facts**: It is averred in the petition that, the petitioner is the son of deceased by name **Durgappa S/o Late Lingappa** who has died on 10.02.2001 at Satanoor village, Tq: Chittapur, Dist: Kalaburagi. The petitioner is not aware of Law and he has not got entered the date of death of deceased mentioned above, in the records of the Tahasildar Office, Chittapur within stipulated period. Now the petitioner is in need of deceased person's death certificate for transferring movable and immovable properties and get other Government facilities. For which he has approached to the office of the respondent with a request for issuance of death certificate of deceased. But the respondent asked the petitioner to approach the Court of Law, as the matter pertains to delay in registration and issued the non availability certificate. Hence, requested to allow the petition.

3. In spite of service of notice the respondent remained absent and hence the respondent is placed Ex-Parte.
4. The petitioner is examined as PW.1 and got marked 6 documents at Ex.P.1 to P.6.
5. Heard the arguments on the side of the petitioner and perused the entire case records.
6. The point that would arise for my consideration is;

***“Whether the prayer made in the petition  
can be granted”?***

7. I answer the above point in the Affirmative for the following;-

**REASONS**

8. It is the case of petitioner that the father of petitioner by name **Durgappa S/o Late Lingappa** has died on 10.02.2001. Due to ignorance of law, petitioner has not got entered the date of death of deceased in the concerned records. When, the petitioner approached the respondent and sought for issuing the death certificate of the deceased, the respondent

authorities have given non-availability certificate as per Ex.P.2, stating that there is no entry in the register of death in respect of deceased. Hence, the petitioner approached the Court, as he is in need of the death certificate for transferring movable and immovable properties and other Govt. facilities purpose.

9. In support of his case the petitioner has examined himself as PW.1 and in his evidence he has reiterated the facts stated in the petition. In addition, PW.1 in his evidence has produced and got marked non-availability certificate i.e., Ex.P.2. Ex.P.1 is the application, Ex.P.3 is the notarized copy of family tree, Ex.P4 is the Aadhaar Card. Petitioner has taken two Newspaper publications as per Ex.P.5 and 6 by which filing of present petition is brought to the notice of entire public. But, despite of such publication, neither the other family members nor any person appeared before the Court to oppose or to contest the relief claimed by the petitioner.
10. The deceased has died on 10.02.2001. The petitioner is not aware of legal consequences, hence, he has not got entered

the date of death of deceased in the respondent Office. On perusal of the entire case records, it reveals that, neither the respondent nor any other person including the family members of the petitioner appeared and opposed or contested the relief claimed by the petitioner and also there is no rebuttal evidence placed by the respondent to disbelieve the story of the petitioner. On perusal of Ex.P.2 and evidence of PW.1, this Court is satisfied that, there is no entry of date of death of deceased in the respondent office. The petitioner has taken two paper publications as per Ex.P.5 and 6 in view of guidelines of **Hon'ble High Court of Karnataka in Muniyamma and other V/s Devegouda and other (2013(4) KCCR 3493)**. Further, it is settled principle that, the order of this Court binds respondent only. Hence, on perusal of documentary evidence, this Court is satisfied as to the fact that the father of petitioner has died on 10.02.2001 in his residence and death date is not informed to the respondent's office and it is necessary to direct the respondent to issue the death Certificate of deceased. However, this inference is not the conclusive proof of relationship or death if the death is

disputed in any civil or criminal proceedings. In the light of these discussions, this Court answers the above point in the affirmative and pass the following order;

**ORDER**

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

**The respondent is directed to enter the factum of death of Durgappa S/o Late Lingappa who had died on 10.02.2001, on payment of requisite penalty.**

(Directly dictated to the Stenographer on Computer and typed by he, corrected and then pronounced by me in open court on this the 13<sup>th</sup> day of March 2026)

**(ABHISHEK RAMACHANDRA JOSHI)  
Civil Judge & JMFC.,  
CHITTAPUR.**

**ANNEXURE****LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS:**

PW.1 : Mallappa S/o Late Durgappa

**LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT:**

- NIL -

**LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONERS:**

Ex.P.1 : Application  
Ex.P.2 : Non-availability certificate.  
Ex.P.3 : Notarized Family tree  
Ex.P.4 : Notarized copy of Aadhaar card.  
Ex.P.5 & 6 : Newspaper Citations

**LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT:**

-NIL-

**CJ & J.M.F.C.,Chittapur.**