

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****Crl.Misc.No.3332/2025****DATED: THIS THE 13th DAY OF MARCH 2026****PETITIONER:-**

1. Smt. Shobha W/o Late.Gunavanth Moolimani,
Aged : 40 years, Occ: Coolie
R/o: Kodadur Village, Tq. Kalagi,
Dist. Kalaburagi.
2. Akash S/o Late. Gunavanth Moolimani,
Age: 23 years, Occ:Coolie,
R/o: Kodadur Village, Tq. Kalagi,
Dist. Kalaburagi.

(By Sri. M.S.S., Advocate)**// Versus //****RESPONDENTS:**

1. The Registrar Birth & Death,
Tahasildar Office,Kalagi, Chittapur.
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 No.1 is the wife and the petitioner No.2 is the son of deceased by name **Gunavanth S/o Mastan** who has died on **14.05.2002** at Kodadur Village, Tq. Kalagi, Dist: Kalaburagi. The petitioners are not aware of Law and they have not got entered the date of death of deceased mentioned above, in the records of the Tahasildar Office, Chittapur within stipulated period. Now the petitioners are need of deceased person's death certificate for transfer of property and obtaining other Government facilities. For which they have approached to the office of the respondent with a request for issuance of death certificate of deceased. But the respondent asked the petitioners 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 No.1 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 petitioners 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 petitioners that the husband of petitioner No.1 and father of petitioner No.2 by name **Gunavanth S/o Mastan** has died on **14.05.2002**. Due to ignorance of law, petitioners have not got entered the date of death of deceased in the concerned records. When, the petitioners 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 petitioners approached the Court, as

they are in need of the death certificate for transfer of property and other Govt. facilities.

9. In support of their case the petitioner No.1 is examined as PW.1 and in her evidence she has reiterated the facts stated in the petition. In addition, PW.1 in her 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.P.4 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 14-05-2002. The petitioners are not aware of legal consequences, hence, they have 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 petitioners appeared and opposed or

contested the relief claimed by the petitioners and also there is no rebuttal evidence placed by the respondent to disbelieve the story of the petitioners. 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 petitioners have 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 husband of petitioner No.1 and father of petitioner No.2 has died on 14.05.2002 in his residence and date of death 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 petitioners 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 Gunavanth S/o Mastan who had died on 14.05.2002, on payment of requisite penalty.

(Directly dictated to the Stenographer on Computer and typed by her, corrected and then pronounced by me in open court on this the 13th day of MARCH 2026)

(ABHISHEK RAMACHANDRA JOSHI)

Civil Judge & JMFC., CHITTAPUR.

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

PW.1 : Shobha W/o Late. Gunavanth Moolimani.

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-

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

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