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**IN THE COURT OF THE II-ADDL CIVIL JUDGE AND
J.M.F.C., MALUR**

PRESENT

Sri.NITHIN CUELLO., B.Com., LL.B.,
II-Addl.Civil Judge & JMFC., Malur

Dated this the 8th day of July 2026

CMC.No.314/2025

- PETITIONER/S ::**
1. Sri. Giddappa, Age 65 years,
S/o. Late Muneppa,
R/at Chalaganahalli Village,
Lakkur Hobli, Malur Taluk.
 2. Smt. Ramakka, Age 61 years,
D/o. Late Muneppa,
W/o. Krishnappa, Chikkamalle Village,
Tekal Hobli, Malur Taluk.
 3. Smt. Lakshmamma, Age 63 years,
D/o. Late Muneppa,
W/o. Basappa,
R/at Chalaganahalli Village,
Lakkur Hobli, Malur Taluk.

[By : Smt. M.V.M Advocate]

V/s

RESPONDENT/S :: The Tahsildar,
Registrar of Birth & Death's
Malur Taluk.

[Exparte]

ORDER

This Petitioners have filed this petition U/s.13(3) of the Registration of Karnataka Births and Deaths Registration Act, 1969.

2. The averments of the Petition in brief are as follows:

In the Petition the Petitioners have stated that, deceased Thimmaiah S/o. Late Giddana Bovi, who is none other than the grand father of Petitioners, was died on 01/11/1980 in his residence at Chalaganahalli Village, Lakkur Hobli, Malur Taluk. Due to ignorance, the Petitioners have not intimated the date of death of said deceased Thimmaiah S/o. Late Giddana Bovi to the concerned authority and not obtained the death certificate. That now the Petitioners requires death certificate of said Thimmaiah S/o. Late Giddana Bovi, to change the katha of some of the properties standing in his name to the name of Petitioners, and they have filed application before the Respondent authority and Respondent office has issued non-availability certificate. Hence this application.

3. The Respondent is placed *exparte* as he remained absent even after receipt of notice. Paper publication was issued in a local Kannada daily news papers calling objections to this petition from the interested persons if any. However, no one has appeared before the Court and contested the petition.

4. The following points arise for the consideration of this Court:

1) Whether the Petitioners have made out sufficient grounds to allow this petition?

2) What Order?

5. The Petitioners in support of their case, Petitioner No.1 has examined himself as PW.1 and relied on the documents which are marked as Ex.P1 to 10.

6. Heard the learned Counsel for the Petitioners and perused the materials on record.

7. The answerers of this Court the above said points are as under:

Point No.1 : In the Affirmative

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

REASONS

8. **POINT NO.1:-** In support of Petitioners' case, the Petitioner No.1 has filed affidavit evidence in lieu of his examination in chief as PW.1. In his evidence he has stated that the deceased Thimmaiah S/o. Late Giddana Bovi is the grand father of Petitioners, who is the resident of Chalaganahalli Village, Lakkur Hobli, Malur Taluk, was died on 01-11-1980. But the said fact is not registered in the Respondent office. That now the Petitioners requires the death certificate of the above said Thimmaiah S/o. Late Giddana Bovi to change the katha of some of the properties standing in his name to the name of Petitioners

who are the legal heirs of said deceased Thimmaiah S/o. Late Giddana Bovi. Ex.P1 is the non-availability certificate, which discloses that the date of death of said Thimmaiah S/o. Late Giddana Bovi is not registered in the register maintained by the Respondent. Ex.P2 is the digitalized copy of Genealogical tree of the family of the Petitioners, which clearly discloses that the Petitioners are the legal heirs of deceased Thimmaiah S/o. Late Giddana Bovi. Ex.P3 is the notarized copy of death certificate, Notarized copies of Aadhar of Petitioners are marked as Ex.P.4 to P7, Ex.P8 is the notarized copy of death certificate of Petitioners mother and Ex.P9 and P10 are the daily news papers i.e., Hosadigantha and Kolara Prathinidi. In spite of receipt of notice Respondent did not appear before the Court. Evidence of PW.1 is not challenged by the Respondent. Evidence of Petitioners is corrected by the documentary evidence. Hence, there is no reason to disbelieve the evidence of PW.1. Hence this Court is of the opinion that Petitioners have made out grounds to allow this petition and accordingly this Court answered Point No.1 in the **Affirmative**.

9. **POINT NO.2:-** In the result, this Court proceed to pass the following:-

ORDER

Petition filed U/S.13(2) of
Registration of Birth and Death Act is
hereby allowed.

The Respondent is hereby directed to enter the date of death of Thimmaiah S/o. Late Giddana Bovi as died on 01.11.1980 at Chalaganahalli Village, Lakkur Hobli, Malur Taluk, in concerned death register and to issue death certificate in favour of the Petitioners after deposit of requisite fee, if any.

Issue intimation accordingly.

(Dictated to the Stenographer directly on Computer, typed by her, revised, corrected by me and then pronounced in the open Court on this the 8th day of July, 2026)

Sd/-

[NITHIN CUELLO.]

II-ADDL.CIVIL JUDGE & JMFC.,
MALUR.

A N N E X U R E

1. List of witnesses examined on behalf of Petitioners:

PW.1 : Sri. Giddappa

2. List of documents marked on behalf of Petitioners:

Ex.P.1:	Non-availability Certificate
Ex.P.2:	Digitalized G.Tree of the Petitioners
Ex.P.3:	Notarized copy of death certificate
Ex.P.4 to 7:	Notarized copies of Aadhar cards of Petitioners
Ex.P.8:	Notarized copy of death certificate of Petitioners Mother.
Ex.P.9&10:	Paper Publications

Sd/-

II-ADDL.CIVIL JUDGE & JMFC.,
MALUR.