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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 20th day of July 2026

CMC.No.382/2025

- PETITIONER/S ::**
1. Sri. Venkateshappa M, 70 years,
S/o. Late Chikka Marappa,
R/at Chikka Eggaluru Village,
Lakkur Hobli, Malur Taluk.
 2. Smt. Jayamma, 60 years,
D/o. Late J.C.Munishami @ Chinnappa,
W/o. Ramanna,
R/at M.Hosahalli Village,
Masthi Hobli, Malur Taluk.
 3. Thayamma, 52 years,
D/o. Late J.C.Munishami @ Chinnappa,
W/o. Gopalappa,
R/at Kondanahalli Village,
Masthi Hobli, Malur Taluk.
 4. Sumithramma, 46 years,
D/o. Late J.C.Munishami @ Chinnappa,
 5. Chikka Thayamma, M, 43 years,
D/o. Late J.C.Munishami @ Chinnappa,
W/o. N.Rajappa,

6. Narayanaswamy, 58 years,
S/o. Late J.C.Munishami @ Chinnappa,
7. Pillamma, 54 years,
D/o. Late J.C.Munishami @ Chinnappa,
8. Ramesha, 51 years,
S/o.Late J.C.Munishami @ Chinnappa,

The Petitioners No.5 to 8 are
R/at Jayamangala Village,
Lakkur Hobli, Malur Taluk,
Kolar District.

[By : Sri.C.M, Advocate]

V/s

RESPONDENT/S :: The Thahasildar
Malur Taluk, Malur.

[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 Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah, who is none other than the father of Petitioner No.1 and grand father of Petitioners No.2 to 8 was died on 15/11/1977 at Jayamangala Village, Lakkur Hobli, Malur Taluk. Due to ignorance, the Petitioners have not intimated

the date of death of said deceased Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah to the concerned authority and not obtained the death certificate. That now the Petitioners requires death certificate of said Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah, 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 herself as PW.1 and relied on the documents which are marked as Ex.P1 to 7.

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 Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah is the father of Petitioner No.1 and grand father of Petitioners No.2 to 8 who is the resident of Jayamangala Village, Lakkur Hobli, Malur Taluk, was died on 15-11-1977. But the said fact is not registered in the Respondent office. That now the Petitioners requires the death certificate of the above said Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah 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 Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah. Ex.P1 is the non-availability certificate, which discloses that the date of death of said Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah is not registered in the register maintained by the Respondent. Ex.P2 digitally signed Genealogical tree of the family of the Petitioners, which is clearly discloses that the Petitioners are the legal heirs of deceased Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah. Copies of two RTC extracts are marked as Ex.P.3 and P4, MR extract dated 24.10.2025 is marked as Ex.P5 and Ex.P6 and P7 are the daily news papers i.e., Hosadigantha and Kolara Kirana. 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 Chikka Marappa S/o. Late Dyape Gowda @ Dyapaiah as 15-11-1977 who is the resident of Jayamangala Village, Lakkur Hobli, Malur Taluk, in their registered after collecting late fee.

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 20th day of July, 2026)

Sd/-

[NITHIN CUVELLO.]

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

ANNEXURE**1. List of witnesses examined on behalf of Petitioners:**

PW.1 : Venkateshappa,

2. List of documents marked on behalf of Petitioners:

Ex.P.1:	Non-availability Certificate
Ex.P.2:	Digitally signed G.Tree of the Petitioners
Ex.P.3 & 4:	Copies of RTC extracts
Ex.P.5:	MR extract
Ex.P.6&7:	Paper Publications

Sd/-

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