

KAKL400049782025



**IN THE COURT OF THE I-ADDL. CIVIL JUDGE AND J.M.F.C.,
AT MULBAGAL.**

: PRESENT :

**Smt. Rohini.D., B.A., L.L.B.,
I-Addl. Civil Judge and J.M.F.C.,
Mulbagal.**

Dated this the 15th day of - JULY - 2026

CRL.MISC. PETITION No.590/2025

**PETITIONER/S: 1. Smt. Aruna,
W/o Late Shivakumar,
Aged about 29 years,**

**2. Smt. Peddamayya,
W/o Late Shankarappa,
Aged about 77 years,**

Both are R/at M.Venkatapura
Village, Kasaba Hobli,
Mulbagal Taluk,Kolar District.

(Rep/ by Sri.M.N.R., Advocate)

-V/s-

RESPONDENT : The Tahashildar,
Mulbagal Taluk,
Mulbagal.

(Placed exparte)

**ORDERS ON APPLICATION FILED BY THE PETITIONER
U/S 13(3) OF REGISTRATION OF BIRTH AND DEATHS
ACT 1969**

The petitioners have filed this petition under sec. 13(3) of karnataka registration of births and deaths act 1969, seeking for direction to the respondent to record the date of death of **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023.**

2. Case of the petitioners in brief is as under:-

The petitioners have contended that, the husband of the petitioner No.1, son-in-law of petitioner No.2 by name **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023** in their residence at M.Venkatapura Village, Kasaba Hobali, Mulbagal Taluk, Kolar District leaving behind his wife and Children, they are also parties to this petition. The same was not intimated to the respondent authority due to lack of knowledge. When the petitioners submitted an application to the respondent for issuance of death certificate of 1st petitioner's father the respondent has issued Non-Availability Certificate stating that, there is no date of death of **SHIVAKUMAR S/o LATE VIJAY KUMAR AND**

LATE SHANTHAMMA on 14.09.2023 pertaining to the year 2023 in the register maintained by them. The petitioners required the death certificate for change of katha. Hence, the petitioners have filed a petition for direction to the respondent to enter Late **SHIVAKUMAR's** date of death in their registers and to issue death certificate in the interest of justice.

3. Notice of the petition was issued to the respondent, which was duly served. In spite of due service of notice, the respondent remained absent. Hence, respondent was placed exparte and proceeded with the case.

4. The petitioners to prove their case, the petitioner No.1 filed his chief examination affidavit and examined as P.W.1 and got marked Non-availability Certificate, notarized genealogical tree, notarized notarized copies of Aadhaar Cards, Kolar Shakthi and Kolar Kriana Kannada daily newspapers dated 26.02.2026 as per Ex.P1 to P5 consecutively and has closed his side.

5. Heard the learned counsel for the petitioners. The points that arise for my consideration are :-

//POINTS//

1. Whether the petitioners have sufficient materials on record as to verify the correctness of date of death of SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023 ?

2. Whether directions are necessary from this Court to respondent for recordings 1st petitioners husband date of death?

3. What order?

6. My answers to the above points are as follows:-

Point No.1 :- In the Affirmative,

Point No.2 :- In the Affirmative,

Point No.3 :- As per final order for the following:

//R E A S O N S//

7. POINT No.1:-

The petitioners have filed this petition under Sec. 13(3) of Karnataka Registration of Births and Deaths Act 2015, for a direction to the respondent to record the father of the petitioner No.1's husband date of death as 14.09.2023. In order to establish the said fact, the petitioner No.1 has examined as P.W.1 and got marked

Non-availability Certificate, notarized genealogical tree, Kolar Shakthi and Kolar Kirana Kannada daily newspapers dated 26.02.2026, notarized copies of Adhar cards as per Ex.P1 to P5 to substantiate the case. The contention of the petitioners and their evidence before the Court that the husband of the petitioner No.1 and son-in-law of petitioner No.2 by name **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023** at their residence. Hence, from the materials placed on record it establishes that the 1st petitioner's husband died on 14.09.2023. Hence, as the 1st petitioner's contention and his evidence remained unchallenged. I have no option but to believe that **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023** . Hence, I answer point No.1 formulated by me in the Affirmative.

8. POINT No.2:-

The petitioners case is that, 1st petitioner's husband **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023** and the same was not

intimated to the respondent by any member of the family. On submitting an application to the respondent has issued Non-availability Certificate stating date of death of **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023** is not recorded in their registers of births and Deaths.

9. As per 13(3) of Registration of Births and Deaths Act 1969, “Any birth or death which has not been registered within one year of its occurrence, shall be register only on an order made by a Magistrate of the First Class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.”

10. In view of the above provision, 1st petitioner produced Ex.P.1, Non-availability Certificate issued by the respondent that 1st petitioner husband date of death has not been recorded in the Registers of Birth and Death's. As the petitioners have established that 1st petitioner's husband **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023** . The petitioner's have taken paper publication in Kolar Shakthi and

Kolar Kirana Kannada daily newspaper dated 26.02.2026, calling interested persons to appear before the court and to file objection if any. But, no one appear before the court objecting the above and the death certificate is required to the petitioners for mutation of the revenue records purpose. Hence, I am of the view that petitioners cannot be made to suffer for any fault for not reporting the date of death in time to respondent. Hence, it is proper to enter the 1st petitioner's husband date of death in his register of births and deaths as 14.09.2023. **Hence, I answer Point No.2 formulated by me in the Affirmative.**

11. POINT No.3:-

In view of discussion on point Nos.1 and 2, I proceed to pass the following:

ORDER

The petition filed by the petitioners U/s 13[3] of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to enter the date of death of **SHIVAKUMAR S/o LATE VIJAY KUMAR AND LATE SHANTHAMMA on 14.09.2023** at

M.Venkatapura Village, Kasaba Hobli, Mulbagal Taluk, Kolar District in the registers of Births and Deaths on payment of prescribed fee and issue Death Certificate to the petitioners.

The Respondent is at liberty to collect the late Registration fee.

[Dictated to the Stenographer typed by her, the same is corrected and then pronounced by me in the open Court on this the **15th day of July -2026**]

(Smt. Rohini.D)
I-Addl. Civil Judge and J.M.F.C.,
Mulbagal.

A N N E X U R E

THE WITNESSES EXAMINED FOR THE PETITIONERS:

P.W.1 : Smt. Aruna

THE DOCUMENTS EXHIBITED FOR THE PETITIONERS:

Ex.P.1 : Non-availability Certificate
Ex.P.2 : Genealogical-Tree
Ex.P.3 : Notarized of copies of Adhar Card
Ex.P.4 : Kolar Shakthi Kannada daily newspaper
Ex.P.5 : Kolar Kirana Kannada daily newspaper

THE WITNESSES EXAMINED FOR THE RESPONDENT/s:

- NIL -

THE DOCUMENTS EXHIBITED FOR THE RESPONDENT/s:

- NIL -

(Smt. Rohini.D)
I- ADDL. CIVIL JUDGE & JMFC.,
MULBAGAL.