

KAKL500021332025



**IN THE COURT OF THE PRL., SENIOR CIVIL JUDGE
AND JMFC, K.G.F.**

SMT. N.B. JAYALAKSHMI

B.A.L, LL.B.

PRL. SENIOR CIVIL JUDGE & J.M.F.C., K.G.F.

DATED THIS THE 3rd DAY OF JULY - 2026

C.M.C. No.171/2025

PETITIONERS : 1. **Sri. Gopinath S.**

S/o Sriramappa,
Aged about 30 years,
R/at #19, Maravuru Village,
Srinivasandra Post,
Kyasamballi Hobli, KGF Taluk.

2. **Sri. Narayanaswamy**

S/o Late Ramakrishnappa
Aged about 38 years,
R/at #102, Keelkoppa Village,
Soregowdanakote Post,
Kasaba Hobli, Bangarpet Taluk.

3. **Smt. Sunandamma**

W/o Sriramappa,
D/o Late Ramakrishnappa
Aged about 55 years,
R/at Maravuru Village,
Srinivasandra Post,
Kyasamballi Hobli, KGF Taluk.

4. **Smt. Raginiamma**

W/o Jayaramappa,
D/o Late Ramakrishnappa
Aged about 53 years,
R/at Sundarapalya Village

And Post, Kyasamballi Hobli,
KGF Taluk.

5. Smt. Muniyamma

W/o Venkatamuniyappa,
D/o Late Ramakrishnappa
Aged about 46 years,
R/at Angala Village,
Guttahalli Post,
Hulkuru Panchayath,
Bethamangala Hobli,
KGF Taluk.

6. Smt. Shami

D/o Late Ramakrishnappa
Aged about 40 years,
R/at Keelkoppa Village,
Soregowdanakote Post,
Kasaba Hobli, Bangarpet Taluk.

(By Sri. P.V. Thimmarayappa, Adv.)

V/s

RESPONDENT : The Registrar of Birth and Death,
The Tahsildar, KGF Taluk.
(Exparte)

O R D E R

The petitioners have filed this petition under Section 13(3) of the Registration of Births and Deaths Act, 1969 seeking directions to the respondent to enter the death particulars of **Ramakrishnappa S/o Muniyappa @ Doddyappa & Smt. Akkayamma** as **05.01.2024** in the concerned register and issue a death certificate.

2. The case of the petitioners in brief is that the Grand father of petitioner No.1 and father of petitioner's No.2 to 6 i.e. **Ramakrishnappa S/o Muniyappa @ Doddyappa & Smt. Akkayamma** died on **05.01.2024** at his house i.e. **R/at Vivek Nagar, Robertsonpet, KGF**. The petitioners have not intimated the same to the concerned authority and the death particulars of father of petitioners' No.2 to 6 **Ramakrishnappa** is not entered in the concerned records. Now the petitioners are in need of death certificate of father of petitioners' No.2 to 6 **Ramakrishnappa**. Hence, they have applied to the respondent to furnish the death certificate of father of petitioners' No.2 to 6, however the respondent has given a non-availability certificate on 01.02.2025. Hence, this petition.

3. The petitioners have caused a public notice in 'Hosa Digantha' Kannada Daily news paper in its edition dated:30.08.2025 about in the present proceedings. In pursuance of the Public Notice non appeared before the court. The respondent has remained absent even after the service of notice. Hence, the proceedings continued treating the respondent as exparte.

4. In order to prove the case, the petitioner No.2 got examined himself as P.W.1 and got marked the

documents as per Ex.P1 to Ex.P8 and closed his side of evidence.

5. Heard arguments and gone through the materials available on record.

6. The following points arise for the consideration and determination:

POINTS

1. Whether the petitioners have made out a case for allowing the petition?
2. What order?

7. The findings to the above 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 order to prove the case, the petitioner No.2 got examined himself as P.W.1 and has reiterated the petition content in his evidence. The evidence of the petitioner No.2 has remained unchallenged as the respondent has not participated in the present proceedings. Therefore, there is no reason to disbelieve the evidence given by the petitioner No.2.

9. It is also trite that in a proceedings under Section 13(1) (3) of Registration of Birth and Death Act,

the Court is concerned with the factum of Birth or Death and date of Birth or Death is not relevant. This proposition finds support from the ratio laid down in State of Karnataka V/s Smt. Annakka reported in 2000(4) K.C.C.R 2674 wherein, the Hon'ble High Court of Karnataka has held that:

“REGISTRATION OF BIRTHS AND DEATHS ACT 1969- Sec.13(3)- Direction to make an entry in the Birth Registration by the Magistrate-Challenged on the ground, that except the statement of applicant on oath there was no other material.

Held: Magistrate in a proceeding under Sec.13(3) only ascertains the birth of the child and date is not the material consideration, as such directions bind only the Registration Office under the Act to make an entry and does not carry higher probative value”.

10. Reverting to the factual matrix of the petitioners' case, the petitioners have stated in their petition as well as in the examination in chief of P.W.1 that **Ramakrishnappa S/o Muniyappa @ Doddyappa & Smt. Akkayamma** demised on **05.01.2024** at his house i.e. **R/at Vivek Nagar, Robertsonpet, KGF.** Hence, in the light of the principles laid down in the aforesaid decision, there is no impediment for this court to allow the petition as prayed for. Hence, in view of about the discussion point No.1 is answered in the **AFFIRMATIVE.**

11. POINT NO.2: For the reasons discussed above, proceed to pass the following:

ORDER

Petition filed by the petitioners under Section 13(3) of Registration of Births and Deaths Act, 1969 is hereby allowed.

The Respondent is hereby directed to enter the date particulars of **Ramakrishnappa S/o Muniyappa @ Doddyappa & Smt. Akkayamma** demised on **05.01.2024** at his house i.e. **R/at Vivek Nagar, Robertsonpet, KGF** in the concerned records and to issue a death certificate after collecting necessary fee.

The parties to bear their respective cost.

(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court on this the 3rd day of July, 2026)

(JAYALAKSHMI N.B.)

Prl. Sr. Civil Judge & JMFC,
K.G.F.

ANNEXURE**1. Witness marked on behalf of petitioners :-**

P.W.1 : Sri. Narayanaswamy

2. Exhibits marked on behalf of petitioner:-

Ex.P1 : Non Availability Certificate

Ex.P2 : Family Genealogy

Ex.P3 to 6: Notarized Copy of Aadhaar Cards of
Petitioners No.1 to 3 & 5

Ex.P7 : Cemetery Photo

Ex.P8 : 'Hosa Digantha' Kannada Daily News paper

Ex.P8(a) : Paper Publication

3. Witnesses examined on behalf of respondent :-

-Nil-

4. Exhibits marked on behalf of Respondent :-

-Nil-

(JAYALAKSHMI N.B.)

Prl. Sr. Civil Judge & JMFC,
K.G.F.