

KAKP310023032025



**IN THE COURT OF THE CIVIL JUDGE & JMFC AT
YELBURGA SITTING IN ITINERARY COURT AT
KUKANOOR**

: PRESENT :

Sri Sanjukumar Pachhapure
Civil Judge and JMFC Yelburga
Sitting in itinerary court at Kukanoor

Dated this 20th day of May 2026

Crl. Misc No.1228/2025

Petitioner/ s :

1. Sri.Channappa S/o Kalakappa Hoogar
@ Jeera, Age: 68 years, Occ:
Agriculture, R/o Kukanoor, Tq:
Kukanoor, Dist: Koppal.

(R/by Sri.S.G.Angadi Advocate)

-V/s-

Respondent/s :

1. The Registrar Birth and Death
Tahasildar Kukanoor, Tq: Kukanoor,
Dist: Koppal.

(Respondent placed exparte)

-:: O R D E R ::-

The petitioner has filed this petition under Section 13(3) of Karnataka Registration of Births and Deaths Act 1969, for a direction to the respondent-Registrar of Births

and Deaths to record the date of death of Late Sri.Kalakappa S/o Ayyappa Hoogar @ Jeera who died on 01-06-1973.

2. It is stated in the petition that the father of the petitioner was died on 01-06-1973. But, the same was not intimated to the respondent due to oversight. When the petitioner has submitted an application to the respondent for issuance of death certificate of his father, the respondent has issued non availability certificate stating that the date of death has not been entered in the register maintained by them. The death certificate is required to the petitioner changing of khata into his name and to get government benefits. Hence the petitioner has filed a petition for direction to the respondent to cause an entry of death of Late Sri Kalakappa's in their registers and to issue death certificate in the interest of justice.

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

4. The petitioner to prove his case, the petitioner has examined as PW.1 and got marked the documents as

Ex.P1 to P6 and has closed his side.

5. Heard the arguments and perused the material available on record.

6. Now the following points that arise for my consideration.

-:: P O I N T S ::-

1. Whether the petitioners have sufficient materials on record as to verify the correctness of date of death of Late Sri.Kalakappa S/o Ayyappa Hoogar @ Jeera who died on 01-06-1973?

2. Whether directions are necessary from this court to respondent for recording of date of death of father of petitioner ?

3 What order ?

7. 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 ::-

8. **POINT NO.1:** The present petition has been filed by the petitioner seeking the direction to the

respondent for issue of death certificate. In support of the case the petitioner had examined as PW.1 and got marked the documents as Ex.P1 to P6. It is contended in the affidavit that, his father Late Sri.Kalakappa S/o Ayyappa Hoogar @ Jeera who died on 01-06-1973 at Kukanoor village of Kukanoor Taluk and the petitioner had approached the respondent and he has issued non availability certificate. In support of the case the petitioner has produced and got marked the documents as Ex.P1 to P5. Ex.P1 is non availability certificate issued by the respondent. Ex.P2 is the genealogy belongs to the family of the petitioner. Ex.P3 and P4 are the paper notices issued in news papers. Ex.P5 is the adhaar card. Ex.P.6 is the RTC property extract. Hence, from the materials placed on record it establishes that the father of petitioner Late Sri.Kalakappa S/o Ayyappa Hoogar @ Jeera who died on 01-06-1973. Hence the contents of the petition and the evidence remained unchallenged before this court. Hence the court is of the opinion that, the father of the petitioner was died on 01-06-1973 accordingly point No.1 is answered in the affirmative.

9. **POINT NO.2:** The case of the petitioner is that the father of the petitioner who died on 01-06-1973, the

said fact was not intimated to the respondent and it was not entered in the register. On submitting an application to the registrar of Birth and Death Kukanoor has issued non availability certificate stating that the date of death is not recorded in the register of birth and death.

10. As per 13(3) of registration of Birth and Deaths Act 1969 "Any birth or death which has not been registered within one year from occurrence shall be registered 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".

11. In view of the above said provision the petitioner has produced Ex.P1 non availability certificate issued by the respondent that the date of death of father of the petitioner has not been recorded in the registers of Birth and Death. As the petitioner has established that Late Sri.Kalakappa S/o Ayyappa Hoogar @ Jeera who died on 01-06-1973 and the death certificate is required to the petitioners to the purpose of Government and other benefits. Hence, the court is of the view that petitioner cannot be made to suffer for any fault for not reporting the date of death in time of father of petitioner in the register of death who died on 01-06-

1973. Hence point No.2 is answered in the affirmative.

12. **POINT NO.3:** In view of the discussion made on point No.1 and 2 this court proceed to pass the following:

-:: O R D E R ::-

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 cause an entry of the date of death of Late Sri.Kalakappa S/o Ayyappa Hoogar @ Jeera (ದಿಃ ಶ್ರೀ ಕಳಕಪ್ಪ ತಂದೆಃ ಅಯ್ಯಪ್ಪ ಹೂಗಾರ @ ಜೀರ) who died on 01-06-1973, in the registers of Births and Deaths on payment of prescribed fee and issue death certificate to the petitioners.

No order as to cost.

(Dictated to the Stenographer Gr-III on computer typed and computerized by her, corrected, signed and then pronounced by me in the open Court on this the 20th day of May 2026)

(Sanjukumar Pachhapure)
Civil Judge & JMFC Yelburga
Sitting in itinerary court at Kukanoor

-: ANNEXURE :-

1. List of witnesses examined for the petitioners:-

PW1 : Sri.Channappa S/o Kalakappa Hoogar.

2. List of documents marked for the petitioner:-

Ex.P1 : Non availability certificate
Ex.P2 : Genealogical tree
Ex.P3 & 4 : News paper publications
Ex.P5 : Adhaar card
Ex.P6 : RTC.

3. List of witnesses examined for the respondent:-

---NONE---

4. List of documents marked for the respondent:-

---NIL---

(Sanjukumar Pachhapure)
Civil Judge & JMFC Yelburga,
Sitting in itinerary court at Kukanoor

(Order is pronounced in the open court)
(vide separate sheets)

-:: O R D E R ::-

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 cause an entry of the date of death of Late Sri.Kalakappa S/o Ayyappa Hoogar @ Jeera (ದಿಃ ಶ್ರೀ ಕಳಕಪ್ಪ ತಂದೆಃ ಅಯ್ಯಪ್ಪ ಹೂಗಾರ @ ಜೀರ) who died on 01-06-1973 in the registers of Births and Deaths on payment of prescribed fee and issue death certificate to the petitioners.

No order as to cost.

Civil Judge & JMFC Yelburga
Sitting in itinerary court at Kukanoor

The office is directed to return the original documents to the petitioner with due identification by taking certified copies.

Civil Judge & JMFC Yelburga
Sitting in itinerary court at Kukanoor